

CITY COUNCIL PROCEEDINGS

NOVEMBER 18, 2003

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 18, 2003
 Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Reverend David McCann, Westwood Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of November 4, 2003, were approved 7 to 0.

The Minutes of the Special Meeting of November 7, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

Proclamations Proclamations previously approved were presented.

Webber Seavey Award. The Wichita Police Department was awarded the Webber Seavey Award from the International Association of Chiefs of Police of Motorola. This award is presented annually to agencies and departments around the world in recognition for excellence in law enforcement and the contribution and dedication to improving the lives of our citizens. The Police Department received the award for its Planeview Project that significantly reduced crime and improved the quality of life in that neighborhood. Wichita was one of 144 nominees who competed for this years Webber Seavey Award. The Wichita Police Department is the only department in the history of the Webber Seavey Award to have been presented with the top honor twice and have been a top 10 finalist once before.

PUBLIC AGENDA

Marydel Grayum Marydel Grayum-America Recycles Day.

Marydel Grayum reported that American Recycling Day was held on November 15th, which was a failure because they had no place to take the recyclables that people wanted recycled. Ms. Grayum stated that she is once again requesting use of a building to give the people a place to go to recycle.

UNFINISHED BUSINESS

HISTORIC PRES. BOARD APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING CONVERSION OF FIRST FLOOR COMMERCIAL SPACE TO PARKING GARAGE AT 221-223 E. DOUGLAS (DISTRICT 1) HPC2003-00141, AND CONSIDERATION OF ISSUES RELATED TO CONVERSION OF FIRST FLOOR COMMERCIAL SPACE TO PARKING GARAGES IN THE DOWNTOWN E. DOUGLAS AREA.

John Schlegel Planning Director reviewed the item.

Agenda Report No. 03-1186

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Central Inspection (OCI) has received plans and a building permit application from Mr. Steve Anthimedes for a project at 221/223 E. Douglas. The project - as proposed - is to convert the lower level space (of an existing two-story building) into a parking garage. The plan review letter from OCI required not only a number of plan revisions relating to building, trade and fire codes, but also required compliance with all City Historic Preservation and traffic engineering/safety requirements. The permit applicant has since followed up on the historic preservation and traffic engineering/safety issues with appropriate staff and through appropriate procedures.

The Historic Preservation Board (HPB) was requested to consider the redesign of the commercial storefront at 221-23 E. Douglas to allow for a first floor parking garage. The item was originally placed on the HPB's August 11, 2003, agenda at the request of the applicant. The applicant did not supply the documentation requested and did not appear at the meeting. The applicant did appear at the September 8 meeting and requested to be added as an off-agenda item. The board did vote to add the item to the agenda and reviewed the documentation presented by the applicant at the meeting. The board determined that there was not enough information presented to make a decision and voted (4-0) to send the applicant to the HPB's design review committee for final consideration. The applicant met with the design review committee on September 19, 2003.

The design review committee denied the application (4-0) as an inappropriate use of a first floor commercial structure within an historic commercial area. The decision was made according to K.S.A. 75-2715 – 75-2725, Standard and Guidelines for Environs Review, Standard #2, which states:

“The environs of a property should be used as it has been historically or allow the inclusion of new uses that requires minimal change to the environs’ distinctive materials, features, and spatial relationships.”

In summary, the HPB decided that the proposed use of this building for a ground level parking garage is an inappropriate use for the historic environs of this area.

The City Council has review authority over the decisions of the HPB, as provided for in K.S.A. 75-2724 and City Code Sections 2.12.1023 (c) and (f). However, in order for the City Council to overturn the decision of the HPB, all relevant factors must be considered, and the Council must find that there is no “feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use.”

During staff's overall evaluation of the proposed project, several policy matters, in addition to the HPB Historic Environs review, have arisen. These other policy matters were presented in several previous informational memorandums to the City Council from the City Manager, and during the October 28, 2003 City Council Workshop. The policy issues that have been presented include the following:

Since the HPB has determined that the conversion of an existing storefront along this section of East Douglas for a parking garages and driveway is inappropriate to the historic environs of the downtown East Douglas Avenue area (nearly all of which is within designated historic environs areas), it is logical to assume that this may be the HPB decision on future, similar requests, and that future similar appeals will be presented to the City Council. Basically, the HPB has interpreted that the state preservation law contraindicates the use of first floor commercial space for parking garages. Therefore, approval of this particular storefront conversion to a parking garage and driveway may establish City Council precedent on this matter.

The addition of new driveway accesses entering into buildings or onto lots along this section of East Douglas (particularly between Water and Topeka Streets), where there have historically been few, does present traffic safety and circulation concerns. These items need to be considered, especially in cases like this where the new driveway is so close to an intersection and where potential turning movements into the driveway may cause traffic flow and/or accident problems, or pedestrian safety issues. These concerns relate to both driveway access onto/from Douglas as well as onto/from the alleys behind these buildings. In the case of 221/223 E. Douglas, the existing, narrow one-way alley will have to be re-signed to prohibit not only parking as it does today, but also loading and delivery.

In many situations, the addition of a new driveway approach into a building (or lot) in this section of Douglas will require the removal of 2-3 existing or potential on-street parking spaces that are now being

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used and shared by all businesses in the general area. The City Council may need to consider development of a policy or guidelines relating to removal of existing on-street spaces for new driveways and private garages/parking lots.

In many (if not most) cases, new driveway approaches along this section of East Douglas will require significant removal and/or reconstruction of publicly-owned streetscape improvements, such as landscaping (trees, tree grates and/or planters, landscape irrigation), decorative light posts, sidewalks, existing curb and gutter, and underground utilities. It is recommended that when such driveways are allowed, the full cost of such streetscape reconstruction (or of any related alley enhancements) be paid by the property/building owner requesting the new driveway.

With regard to the specific parking garage proposal for 221/223 East Douglas, an analysis has been performed by Public Works with respect to Douglas Parking and Alley Loading Zone Issues, Streetscape and Driveway Design Issues, and Traffic and Pedestrian Impacts. This analysis includes a concept plan for the driveway design and streetscape reconstruction and a diagram of the left-turn movements from westbound Douglas traffic into the new driveway (this drive would be only 54 feet from the Broadway intersection).

The detailed Public Works analysis, including the driveway design and street reconstruction plans and the left turn diagram, are attached for your review.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The City Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75-2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and it must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

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|----------------------|--|
| Mayor Mayans | Mayor Mayans inquired if anyone wished to be heard. |
| Steve Anthimedes | Steve Anthimedes stated that he has been downtown for about 35 years and that the building that is being discussed has been vacant for over 15 years. Stated that he bought the building because he needs additional parking for his business. Stated that he will rebuild the front of this building and make it a beautiful building. Explained that he needs the entrance to be available from the front of this building and the exit in the back and that he is willing to pay for the work to be done. Stated that this will help him keep his businesses downtown and would like for this to be approved. |
| Councilmember Brewer | Councilmember Brewer explained that he left the meeting with Mr. Anthimedes that he was open to an alternative option. |
| Steve Lackey | Public Works Director reported that they had discussed the potential of an entrance in the back of this building and that Staff took a look at the turning movements and how wide the opening would have to be in the back to accommodate the turning in and out of the back side, which came out to 20 feet. They did not look at the structural part of the building, but from a traffic moving movement point of view. There is sufficient room inside the building to accommodate an entrance and exit from the back side. |
| Kurt Schroeder | Office of Central Inspection, explained that Mr. Anthimedes's original proposal showed a 14 foot wide opening and that is how he had it designed. Stated that he spoke with Mr. Anthimedes yesterday and told him that maybe he needed to look at a 20 foot opening and instead of a 14 foot opening and that she should get back with his engineer regarding this. Stated that the 20 foot was the minimum required by the traffic engineer in terms of both in and out movements from the rear of the building. |
| Councilmember Fearey | Councilmember Fearey stated that at the meeting they discussed whether or not Mr. Anthimedes could do the movements with cars going both in and out and the traffic engineer said yes, if there could be a 20 foot opening that would work. At this point, Mr. Anthimedes feels that this will not work and our Staff does not know whether or not there is some way to work with his architect and engineer to see if it would work. Councilmember Fearey recommends that Mr. Anthimedes bring a proposal back to the |

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Historic Preservation Board, which would make it easier if the City Council went ahead and upheld the current Preservation Board denial and then let Mr. Anthimedes work with his engineers and with our Staff.

Councilmember Lambke Councilmember Lambke stated that the Council should resolve this situation as soon as possible. Stated that if the City makes it so difficult for businesses to survive downtown then it is counter-productive. Stated that the Council should do everything that it can to accommodate Mr. Anthimedes.

Motion-- Mayans moved to defer the action on this item until the next meeting so that the parties can
--carried continue their conversation on this topic. Motion carried 7 to 0.

HUD CONSOL. PLAN HUD CONSOLIDATED PLAN-ESTABLISHMENT OF PRIORITY NEEDS.

Tom Smith Finance Department, reviewed the item.

Agenda Report No. 03-1187

The City is required by HUD to submit a Five Year Consolidated Plan. Annually, the City submits a One-Year Action Plan/Combined Application for Community Development Block Grant (CDBG), HOME Investment Partnership program and Emergency Shelter Grant (ESG) funds. The City is required to prepare a new HUD Five-Year Consolidated Plan covering the period July 1, 2004 through June 30, 2008.

One of the requirements for the new Five Year Consolidated Plan is the identification of priority needs which will assist in allocating federal, state and local resources to principally benefit low and moderate-income persons. The priority needs can be changed annually, if desired. However, during the last five-year plan, the City elected to establish priority needs and operate the plan without modification of the priority needs.

A preliminary list of needs for the 2004-2008 period have been developed. The needs were compiled from the Wichita-Sedgwick County Comprehensive Plan, draft Strategic Agenda, Neighborhood Revitalization Plan and neighborhood plans. All of these plans had substantial public participation and comment during their development. A list of preliminary needs survey was sent to over 185 local agencies and to interested citizens and community groups for public review and comment. The District Advisory Boards, Park Board and Housing Advisory Board were also requested to independently rank the preliminary needs. In addition, the Priority Needs Survey was posted on the City web site for over 30 days to solicit additional public input. Public notices were published in the Wichita Eagle, Kansas State Globe and Cronos.

Approximately \$5.4 million in Consolidated Plan grant funding is estimated to be available to the City next year. This is comprised of approximately \$3.3 million for Community Development Block Grant, \$1.9 million in HOME funds and \$131,000 in Emergency Shelter Grant funds. Actual grant amounts are subject to annual Congressional appropriations.

A public hearing is required by HUD to obtain public comment on housing and community development needs for the Consolidated Plan. The Consolidated Plan requires designating the priority needs as "High, Medium or Low. HUD defines these terms as follows:

1. (H) High Priority Activities to address this need will be funded by the City during the five-year period.
2. (M) Medium Priority Activities to address this need may be funded by the City during the five-year period if funds are available.
3. (L) Low Priority The City will not fund activities to address this need during the five-year period

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

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Motion-- Mayans moved that the Public Hearing be closed and the priority needs for the 2004-2008 HUD Five-Year Consolidated Plan be approved. Motion carried 7 to 0.

Mayor Mayans Mayor Mayans acknowledged Chief Oloruntoba from Nigeria. Stated that the Chief has brought an exhibition of his world renown art that is being currently displayed at the Wichita Boathouse until Wednesday.

NEW BUSINESS

CVB QRTLY REPRT **CONVENTION AND VISITORS BUREAU QUARTERLY STATUS REPORT, JOHN ROLFE, DIRECTOR.**

John Rolfe President and CEO of the Greater Wichita Convention and Visitors Bureau showed an overview of their third quarter results.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

IRB-RAND GRAPH **PUBLIC HEARING AND ISSUANCE FOR INDUSTRIAL REVENUE BONDS-RAND GRAPHICS, INC. (DISTRICT IV)**

Allen Bell Economic Development Director reviewed the item.

Agenda Report No. 03-1188

On March 27, 2001, City Council approved a Letter of Intent to issue Industrial Revenue Bonds (IRBs) in the amount not-to-exceed \$10,000,000, for a four-year term, and approved a 100% five-plus-five year property tax abatement to Rand Graphics, Inc. Since 2002, City Council approved the issuance of \$6,655,000 for the purchase of machinery and equipment to be located in Rand's two printing plants at 2820 South Hoover and 500 South Florence. The company is now requesting issuance of IRBs to finance the 2003 expenditures, in the amount of \$2,000,000.

Rand is a graphics arts and commercial print and screen products manufacturing company. Rand offers full creation and production and fulfillment services to its customers as well as complete finishing operations. Much of Rand's recent growth has come from its screen-printing division. Among other items, Rand manufactures large and small banners and life size point of sale displays. Customers include Chevron, Hallmark, Inc., Chrysler Corporation, Apple Computer, WalMart, and Nabisco. Rand exports over 80% of its products outside the State of Kansas.

The 2003 bond proceeds will be used for the purpose of paying the costs of purchasing and installing additional machinery and equipment to be located at Rand's two printing plants at 2820 South Hoover and 500 South Florence. Equipment purchases includes a 6/Color Heidelberg Off-Set Printer and a Weldmaster Hot AirRotary Cross Seamer (Banner Sealer).

Rand Graphics, Inc. currently employs 194 people at its Wichita facilities. Current expansion plans for Rand, forecasts an increase in employment at the Wichita facility of approximately 32 people over the four-year expansion period.

Rand has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Sources and uses of funds are estimated as follows:

SOURCES OF FUND

Industrial Revenue Bond Proceeds \$2,000,000
Company Funds 7,500

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Total Project Funding \$2,007,500

USES OF FUNDS

New Machinery Equipment \$2,000,000
Cost of Issuance 7,500

Total Cost of Project: \$2,007,500

Rand Graphics plans to privately place the bonds with a local financial institution. The firm Gilmore & Bell, P.C., Law Firm will serve as bond counsel in the transaction. Rand Graphics, Inc., has complied with the City requirement contained in the Standard Letter of Intent Conditions.

Rand Graphics, Inc. agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a 100% tax abatement for a five-year term, plus a second five years subject to City Council review.

Bond documents needed for the issuance of the bonds have been prepared by the firm of Gilmore & Bell, bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in the amount of \$2,000,000 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to issue its Taxable Industrial Revenue Bonds, Series IX, 2003 (Rand Graphics, Inc.) in the aggregate principal amount of \$2,000,000 for the purpose of purchasing and installing certain machinery and equipment in a commercial printing facility; authorizing execution of Supplemental Trust Indenture No. 1 between the City and First National Bank of Hutchinson, Hutchinson, Kansas, as Trustee; authorizing the City to lease such further improvements to Rand Graphics, Inc. and authorizing execution of Supplemental Lease No. 1 between the City and Rand Graphics, Inc., approving the form of a Guaranty Agreement between Rand Graphics, Inc., and First National Bank of Hutchinson, as Trustee; and authorizing the execution of a Bond Purchase Agreement for the Bonds between the City, Rand Graphics, Inc. and Emprise Bank, as purchaser of the Bonds, introduced and under the rules laid over.

IRB TAX EXEMP. BG PRODUCT

EXTENSION OF IRB TAX EXEMPTION, BG PRODUCT, INC.

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 03-1189

On July 7, 1998, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4 million to BG Products, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct a building expansion located at 701 S. Wichita. On December 31, 2003, the initial five-year period for tax exemption will expire. BG Products, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

BG Products formulates, manufactures and distributes a broad line of professional use, high-quality fuel and oil conditioners and specialty lubricants, greases and chemicals. BG Products' products are sold to professionals and fleet operators and are distributed through a network of independent domestic and foreign distributors. The products are sold throughout the U.S., Canada, Europe, the Middle East, Asia,

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the Far East and South America. BG Products produces over 105 products which are formulated for general industrial applications, automobiles, heavy trucks, motorcycles, farm equipment, earth moving equipment, marine engines, recreational vehicles and home and shop engines. Virtually all of BG's product is sold to consumers outside of the State of Kansas.

As a condition of the bond issue and tax exemption, BG Product committed to: construct a new 54,700 s.f. manufacturing facility, as well as a 13,665 s.f. combination, an investment of \$4,000,000; and, create 20 new jobs within five years of the bond issue. A measure of BG Product's initial five-year project commitments and outcomes are as follows:

1998 Commitment

Construct new manufacturing facility

Create 20 new jobs in five years:

December 31, 2003 Status

Completed 54,700 & 13,665 SF facility

Created 77 new jobs

Staff conducted a site-monitoring visit on July 10, 2003. BG Products has exceeded its projection of creating 20 new permanent jobs. BG Products increased sales by more 15.9% since 1998, and diversified its customer base. BG Product's products are ultimately exported all over the United States and at least 8% Internationally.

In 2002, BG Product paid approximately \$85,798 in real and personal property taxes. The appraised value exempted property is currently \$4,416,700. BG Product is current in payments of administrative service fees.

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the tax exemption on BG Products' IRB-financed real and personal property for a second five-year period subject to ongoing efforts to meet job creation efforts be extended. Motion carried 7 to 0.

--carried

IRB TAX EXEMP. JR CUSTOM

EXTENSION OF IRB TAX EXEMPTION, JR CUSTOM METAL PRODUCTS, INC.

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 03-1190

On December 8, 1998, City Council approved issuance of Industrial Revenue Bonds in the amount of \$3.5 million to JR Custom Metal Products, Inc. In conjunction with the bond issue, City Council approved a 92.5% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct a new facility and acquisition of new manufacturing machinery and equipment located at 2237 S. West Street in southwest Wichita. On December 31, 2003, the initial five-year period for tax exemption will expire. JR Custom Metal Products, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

JR Custom Metal specializes in the unique designing and engineering of metal products from aluminum, stainless steel, titanium and hot roll steel materials. JR Custom Metal's primary customer base includes the aircraft, agricultural, construction, meat packing, and trucking industries. JR Custom Metal exports 85% of production either directly or indirectly outside the State of Kansas.

As a condition of the bond issue and tax exemption, JR Custom Metal committed to: construct a new 60,000 s.f. manufacturing facility, an investment of \$3,100,000; purchase equipment worth \$350,000; and, create 30 new jobs within five years of the bond issue. A measure of JR Custom Metal's initial five-year project commitments and outcomes are as follows:

1998 Commitment

Construct new manufacturing facility

December 31, 2003 Status

Completed 60,000 SF facility

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Purchase Manufacturing Equipment:
Create 30 new jobs in five years:

Purchased equipment worth over \$350,000
Created 36 new jobs

Staff conducted a site-monitoring visit on May 29, 2003. JR Custom Metal has exceeded its projection of creating 30 new permanent jobs. JR Custom Metal increased sales by more 19% since 1998, and diversified its customer base. JR Custom Metal's products are ultimately exported all over the United States and at least 10% Internationally.

In 2002, JR Custom Metal paid approximately \$36,132 in real and personal property taxes. The appraised value exempted property is currently \$3,383,030. JR Custom Metal is current in payments of administrative service fees.

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Gray moved that the tax exemption on JR Custom Metal's IRB-financed real and personal property for a second five-year period subject to ongoing efforts to maintain job creation efforts be extended.

--carried

Motion carried 7 to 0.

EBERLY COURT

PETITION TO PAVE EBERLY COURT, WEST OF 119TH STREET WEST, SOUTH OF 21ST STREET, WEST OF 119TH STREET WEST.

Neil Cable

City Engineer reviewed the item.

Agenda Report No. 03-1191

The signatures on the Petition represent 12 of 21 (57.14%) resident owners and 58.49% of the improvement district area. District V Advisory Board held a November 3, 2003, neighborhood hearing on the project. The Board voted unanimously to recommend approval.

Eberly Court is a sand road that provides access to an area comprised of single-family homes. The proposed improvement is an asphalt mat road with grassed ditches to provide drainage. The large lot sizes and existing drainage conditions allow the street to be paved without a storm water sewer system.

The estimated cost of the project is \$180,000 with the total assessed to the improvement district. The proposed method of assessment is the fractional basis. The estimated assessment to individual properties is \$15,455 per tract.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Martz moved that the Petition be approved; the Resolution adopted; and the Staff Screening & Selection Committee to select a design engineer be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-589

Resolution of findings of advisability and Resolution authorizing improving Eberly Court, from the west line of 119th Street, west to and including the cul-de-sac (south of 21st Street, west of 119th Street west) 472-83886, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 03-1192

On October 7, 2003 a report was submitted with respect to the dangerous and unsafe conditions this property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on November 18, 2003.

On September 8, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address

Council District

a. 1200 North Estelle

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Detail information/analysis concerning this property are included in the attachments.

Pursuant to State Statute the Resolution was duly published twice on October 8, 2003 and October 15, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted; the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of November 18, 2003; (2) the structure(s) has/have been secured as November 18, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of November 18, 2003 and will be so maintained during renovation. Motion carried 7 to 0.

--carried

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

RESOLUTION NO. 03-590

Resolution finding that the structure described as: Lots 92-94-96 Estelle Avenue, Fairmount Park Addition, Wichita, Sedgwick County, Kansas, commonly known as 1200 South Estelle, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

NEIGHBORHOOD REVITAL. AREAS

NEIGHBORHOOD REVITALIZATION AREAS AND LOCAL INVESTMENT AREAS.

Tom Smith

Finance Department reviewed the item.

Agenda Report No. 03-1193

On April 7, 1998, the City Council approved the Five Year HUD Consolidated Plan and the State Neighborhood Revitalization Plan. The Neighborhood Revitalization Plan addresses the legal requirements for both implementation of the State Neighborhood Revitalization Act and the HUD Neighborhood Revitalization Strategy Areas. The Neighborhood Revitalization Plan utilizes authority cities have under State law to provide tax rebates to owners in designated Neighborhood Revitalization Areas as an incentive for improving private property. The Plan also focuses federal Community Development Block Grant (CDBG) and HOME funding in Local Investment Areas to provide a significant visual impact on specific areas and provide an incentive for private investment.

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The original Neighborhood Revitalization Plan was developed utilizing 1990 Census data. The 2000 U.S. Census Bureau data is now available. Based on the new data, modifications to the Neighborhood Revitalization Areas and Local Investment Areas have been recommended by a NRA Task Force comprised of City staff, Sedgwick County staff and a private developer. If approved, the Plan will begin July 1, 2004 and end June 30, 2008. The City Council reviewed the recommended changes in a workshop on October 28, 2003 and requested the District Advisory Boards review and comment on the proposed revisions prior to formal City Council action.

On November 3 and 5, 2003, the six District Advisory Board's reviewed the recommended changes. The District Advisory Boards agreed with the Task Force recommendations except for the following:

District I-add the area south of 8th Street to Central Avenue and west of Washington to Hillside to the Northeast Local Investment Area. This area contains high concentrations of low and moderate-income persons (64-79%). This recommendation has been included in the revised map.

District IV-retain the Orchard Breeze Local Investment Area which was recommended for deletion and add the Delano Local Investment Area as recommended. This recommendation is included in the revised map.

The estimated financial impact on the City over the five-year life of the tax rebate program is estimated to be \$100,000. After five years, the City will capture the increased value of the properties receiving a tax rebate.

The Local Investment Areas boundaries are a matter of local determination. However, HUD will review the amount of the CDBG and HOME funds targeted to the Local Investment Areas. HUD expects a significant amount of CDBG and HOME funds will be targeted to the Local Investment Areas. The Neighborhood Revitalization Areas are subject to HUD Notice 96-01 and the Kansas Statutes Annotated (K.S.A.) 12-17,114 et. seq.

The Neighborhood Revitalization Plan is a part of the 2004-2008 HUD Consolidated Plan. The draft 2004-2008 HUD Consolidated Plan will be presented to City Council in April 2004 to initiate the required thirty-day public comment period.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the revisions to the Neighborhood Revitalization Areas and the Local Investment Areas be approved and staff to develop the required Neighborhood Revitalization Plan be authorized. Motion carried 7 to 0.

--carried

HUD PLAN PROCESS HUD CONSOLIDATED PLAN PROCESS.

Tom Smith

Finance Department reviewed the item.

Agenda Report No. 03-1194

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. In 1995, HUD required local governments to submit Consolidated Plans and combined applications for the Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); and Home Investment Partnership Grant (HOME) programs. As part of the requirements, local units of government also were required to develop Five-Year Strategic Plans (2004-2008) with priority needs established. In addition, One-Year Action Plans, outlining specific activities and grant funding sources for the fiscal year, were also part of the HUD requirements. It is now time to develop the annual plan submittal required for 2004-2005.

Preparation for the 2004-2005 program year is based on 2003-2004 City Council actions. The City Council is requested to consider designating and reserving special funding and allocations.

Funding Reservations and Designated Funding - For the past few years, the City Council

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have revised its procedure to ensure special programs (priorities) would be addressed on an outcome basis. Through a Request for Proposal (RFP) process, those programs felt to be high priority (and traditionally funded from grant sources) were developed based on a required "scope of services" where performance could be monitored and evaluated. In the past, such programs included Youth Employment, Women/Family Crisis Shelters, and Youth Recreation/Enrichment Programs (Public Services). To meet previously established goals and federal deadlines, it is recommended that the City Council continue those programs in the 2004-2005 allocations.

In addition to the (above) designated programs, the following allocations are being proposed:

1. Streets, Curbs, Gutters, and Sidewalks
2. Environmental Health-Inspectors
3. Neighborhood Improvement Services & Grants Programs
4. Neighborhood Stabilization
5. Community Education Program
6. Neighborhood Assistance-District Advisory Boards
7. Historic Preservation/Mandated Activities
8. Consolidated Plan Program Grant Administration (Direct and Indirect costs)

The City Council needs to determine if these programs - traditionally funded - should be designated and funding reserved and if there are other special programs desired by the City Council that should be reserved, such as additional neighborhood revitalization and improvement projects.

Previous City Councils have addressed: funding priorities; reservation of CDBG funding for special priority programs/services and capital projects; programs to be solicited from the RFP process to encourage collaborative and cooperative efforts among service providers and lower costs; designation of City provided services/programs traditionally funded from CDBG and HOME funds; and targeting of funds for neighborhood stabilization efforts. Suggested Designated Allocations are listed in Attachment 1.

HUD estimates that CDBG funding will be reduced for the next fiscal year. Although final grant amounts are not known at this time, it is estimated that \$5.4 million in Consolidated Grant funding will be available for allocation in the 2004-2005 program year. This total is comprised of approximately \$3.3 million in CDBG; \$1.9 million in HOME; and \$131,000 for Emergency Shelter Grants.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded. These are listed for each Grant as follows:

CDBG \$1,163,000 Public Services
20% Planning and Administration

HOME 15% Neighborhood-Based Non Profits
(Minimum required allocation for CHDO's)

ESG 30% Essential Services
30% Homeless Prevention
5% Administration

Allocation of Consolidated Plan grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons, or addressing conditions of slums or blight. The process by which grant funds are authorized by the City Council is a matter of local determination. That is, the City Council is not obligated to solicit funding applications unless it desires to do so. The City Council may also reserve grant funds for community priority needs and programs, as determined by the City Council.

The ESG and HOME CHDO set-aside funding applications are reviewed by a 12-member Grants Review Committee to be appointed by the City Council in December pursuant to the adopted HUD Consolidated Plan. Except for the Request for Proposals (RFP), the City Council designates funding for CDBG and HOME programs, a majority of which are directly operated by City departments.

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Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the policy issues involved, including determinations on establishment of priorities for allocations and reservation and dedicated program funding (to be determined by the Council) be given consideration and the process for development of its 2004-2005 Consolidated Plan be approved.

--carried

Motion carried 7 to 0.

SMALL BUSINESS

SMALL BUSINESS LOAN PROGRAM.

Tom Smith

Finance Department reviewed the item.

Agenda Report No. 03-1195

On October 28, 2003, the City Council reviewed two (2) new and proposed City loan/investment programs developed by staff to assist the City's economic development efforts. These two programs are in addition to the current Wichita Biz Loan Program serving the Neighborhood Revitalization Areas in the City. Under the Biz Loan program, loan amounts range from \$25,000 to \$1 million dollars. City funding is matched 2:1 by private lending organizations who perform the loan underwriting since they have significant funds at risk. The interest rates for the Wichita Biz Loan are below market.

The two new loan/investment programs are focused on small businesses. A summary of each plan is as follows:

Plan 1-Micro Loan Program

This program would address small businesses. City funds of \$50,000 would be utilized to pay for the SBA required Loan Loss Reserve for South Central Kansas Economic Development District's SBA Micro Loan program for loans in Wichita that meet the City's targeted goals. SCKEDD must have \$1 dollar of Loan Loss Reserve funds for every \$10 in SBA funds it loans to clients. SCKEDD has been approved for an additional \$500,000 in SBA loan funds but must secure the \$50,000 in local funds for the Loan Loss Reserve. By using \$50,000 in City funding for the Loan Loss Reserve, this leverages \$500,000 in SBA Micro Loan funds, bringing in \$10 in SBA loan funds for each \$1 in City funding. This could result in an additional 40-50 loans initially and more loans as loan funds are repaid and re-loaned (revolving). The default rate (net) for the Micro Loan program was 6.7% in 2002.

Plan 2-Small Business Capital Fund

This program would be marketed to disadvantaged small businesses. City funds in the amount of \$250,000 could be used to create a new, non-traditional capital business financing program for Wichita businesses that cannot qualify for conventional financing. The program would be operated by Wichita Technology Corporation in partnership with Kansas Minority Business Development Council.

The investments would be higher risk recourse financing, but not charge an interest rate. Instead, the City would take a royalty interest in the business' gross sales. This would pay back to the revolving capital fund twice the original investment amount. Borrowers would have the option to commit to a fixed monthly payment amount in lieu of the 3% royalty. A Funding Committee would review the small business needs and make a determination of the best financing package, royalty, fixed payment, or a combination. This could result in 10-30 participants in the first year with additional investments made from royalty re-payments that revolve. Kansas Minority Business Development Council would (jointly with Wichita Technology Council) accept applications for investment, assist businesses with obtaining a business plan and provide consulting to small businesses on business essentials e.g. accounting systems, taxation, licensing.

The investment required for Plan 1 is \$50,000. The investment required for Plan 2 is \$250,000. Total investment required for both Plans is \$300,000. The programs could be financed through the residual payments from the 1983 Mortgage Revenue Bond project (\$127,000) and appropriated reserves (\$173,000).

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A Funding Committee comprised of 3-5 representatives appointed by the City Council would make loan/investment decisions.

The Law Department will have to review and approve any legal documents as to form.

Mayor Mayans

Mayor Mayan inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the programs and budget transfers be approved and staff to negotiate legal agreements for each program subject to ratification by the City Council be authorized. Motion carried 7 to 0.

--carried

VALLEY CENTER SERVICE AREA

EXPANSION OF SERVICE AREA FOR VALLEY CENTER.

Dave Warren

Director of Sewer and Water Utilities reviewed the item.

Agenda Report No. 03-1196

In 1997, a Wholesale Water Service Agreement was approved with Valley Center. Under standard policy, an expanded service area agreement was negotiated as a part of the wholesale water agreement.

The original (current) boundaries of the service area are outlined on Attachment A. Recently, the City received a request from Valley Center to expand its service area boundaries under the wholesale Agreement to include an area bordered by I-135 on the West and Hillside on the East, between 93rd Street N. and 101st Street N. The newly requested area to be added to Valley Center's service area boundaries is also noted on Attachment A.

The area in question is currently receiving water service through Rural Water District #2, which receives its source of supply from Valley Center. No increase in volume of water (sold) is anticipated as a result of the approval of this request. The net effect of the approval would be that if Valley Center should annex the area in question at a future date, it would not be in violation of the provisions of the wholesale service agreement.

Given that the location of the requested service area expansion is not in an area that would be annexed by Wichita, there appears to be no valid reason for not approving Valley Center's request.

There are no apparent financial impacts related to the approval of the request.

The Amendment has been reviewed and approved as to form by Law.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER TREATMNT

WATER TASTE AND ODOR TREATMENT.

Dave Warren

Director of Water and Sewer Utilities reviewed the item.

Agenda Report No. 03-1197

Taste and odor events in the water have increased in quantity and intensity over the last decade. Staff believes they are due to two separate, but interconnected causes. The primary cause is water from Cheney Reservoir, with the secondary cause being the semi-annual cleaning of basins at the water treatment plant. A separate CIP project has been initiated to correct problems associated with the basin cleaning.

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Problems with taste and odor in water from Cheney Reservoir are not new. The causes and treatment options are challenging and complex. Certain types of microscopic plants (algae) and bacteria in the reservoir can generate organic compounds that create taste and odor in the water, with the most common cause being rapid growth of blue-green algae. This rapid growth of algae, or "bloom," can generate compounds that give water an earthy, musty, or fishy odor.

In August 2003, the City Council approved a contract with Black & Veatch for \$119,480 to perform ozone pilot testing. Two months of experimental equipment rental and laboratory analysis fees brought the total cost to just under \$150,000.

At that time, City Council also approved a budget adjustment for 2003 to transfer \$750,000 from the water emergency operating reserve contingency to commodities for the purchase of powdered activated carbon (PAC) for taste and odor treatment. An increase in the commodities budget in 2004 by \$750,000 for PAC treatment until ozone treatment could be evaluated was also approved. PAC evaluation was completed in September of 2003, and Calgon has been approved as the accepted vendor. Full-scale operation of the PAC system commenced September 29, 2003.

Though study results indicate a higher than expected ozone dose requirement, total annual costs for both capital expenditures, and operation and maintenance expenditures for ozone (\$1.48 million) remain below costs for PAC (\$1.55 million). Both the City's consultant and Staff recommend ozone treatment technology.

After City Council approval, a project like this typically requires 12-to-18 months to design and construct using conventional design-bid-build methodologies. However, at the direction of the City Council, Staff has identified methods to accelerate implementation of the project.

Because of the long lead time for delivery of the equipment, Staff recommends Owner Procurement of the equipment. Black & Veatch agreed to specify the equipment for bidding and direct purchase by the City as part of the study currently underway. Estimated cost of the equipment is \$3.6 million.

Staff also recommends authorization of a design-build selection for design and construction of facility improvements necessary to implement the ozone equipment. Once selection of the design-build team has been made, the contracts and cost will be presented to City Council for approval. Estimated construction cost of the design-build project is \$7.15 million. Total estimated cost of the ozone project, including equipment procurement and construction, is \$10,750,000.

The annual cost for ozonation facilities, including operation, maintenance, and debt service, is estimated to be \$1.48 million (see attachment). The exact cost of the ozonation facilities with operation and maintenance costs may not be known until design-build proposals are received.

A 4.5% increase in water rates, effective January 1, 2004, would be required to cover the costs associated with ozonation. This increase would be in addition to the 3% increase now proposed in the budget for other planned capital improvements and other increases in the cost of doing business.

Staff does not recommend eliminating or delaying planned water capital projects. The average monthly residential bill, now \$14.76, would increase by approximately \$0.91 to cover the ozone treatment. The total cost impact to the average residential consumer to cover planned capital improvements and ozone water treatment would be approximately \$1.36 per month.

City Council authorization is required for projects and/or budget adjustments in excess of \$10,000. Council authorization is also required to initiate design-build projects.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Cybill Strum

Cybill Strum stated that she disapproves of having to pay more for her water bill and that the person responsible for contaminating the water should be the one to pay for it not the public.

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Motion--

--carried

Mayans moved that amending the CIP be approved; procurement of ozone equipment be approved; selection of a design-build team be approved; the Resolution be adopted and necessary adjustment in water rates be authorized and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-594

A Resolution amending Resolution No. R-03-436 pertaining to the remediation of taste and odor in the City's drinking water (W-909) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

W/S RATE ADJUST. WATER AND SEWER RATE ADJUSTMENTS FOR 2004.

Dave Warren

Director of Water and Sewer Utilities reviewed the item.

Agenda Report No. 03-1198

The City Council has on several occasions in the past considered water and sewer rate adjustments to address major capital costs associated with the replacement of utility infrastructure and expansion of the treatment and distribution and collection systems needed to keep pace with urban growth.

The adopted 2004-2005 Budget provides for utility rate adjustments of 3% to defray the costs of capital improvements associated with equipment replacement and expansions of treatment and distribution/collection systems. These adjustments do not include those that might be required as a result of the installation and operation of ozone equipment for taste/odor.

Rate control initiatives in the recent past have focused on the recalculation of plant equity fees (completed in 2003), and increases in tap fees to assure that the costs incurred were fully funded by the user fees assessed.

Rate pressures in both Utilities are almost exclusively driven by capital needs associated with major investments to assure that the Utilities are able to keep pace with growth in the metropolitan area. The funding of the aquifer recharge project and additions to sewage treatment capacities are primary examples of this.

The Water & Sewer Utilities cash fund capital improvements, then sell revenue bonds to reimburse utility cash, thereby spreading payment for major improvements over 20 years.

Water projects recently completed, currently underway, or close to initiation, include:

.	Water Supply Plan (W-549)	\$36 million
.	Installation of a 66" raw water line from 21st/Zoo to the Water Treatment Plant (W-807)	\$14 million
.	Taste & Odor Remediation	\$10.75 million
.	Water mains for future development (W-65)	\$9 million
.	Various other water distribution system projects	\$6 million
.	Webb Road satellite pump station (W-882)	\$4 million

Major sewer utility projects recently completed, currently underway, or close to initiation, include:

.	Mid-Continent Treatment Plant (S-546)	\$19 million
.	Plant 1 Improvements (S-523)	\$5.2 million
.	Four Mile Creek Pump Station & Force Main (S-538)	\$4.4 million
.	Basin 4 Improvements (S-514)	\$3.9 million
.	War Industries Sewer Relief Line, Phase 4 (S-315)	\$3.5 million

In addition, many capital expenditures are incurred in order to address the replacement and reconstruction needs of an aging Utility infrastructure. These needs over the next three years total \$12 million in Water and \$10 million in Sewer.

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The extensive and necessary capital project list for both Water and Sewer require a rate increase for 2004. The 2004 Adopted Budget recommended an increase of 3% in each Utility.

In the case of the Water Utility, the recurring taste and odor issues associated with surface water conditions at Cheney have prompted the need to aggressively pursue a solution to this problem. The Council has considered or will consider a recommendation for increases in capital and operations expenditures, which, taken together, result in the need for an additional 4% rate adjustment in Water. This would bring the total rate adjustment in Water to 7%.

The ordinances, under directives approved by previous Council actions, also increase the outside City rate differential to fifty eight percent in this third year of a phased program to increase the total rate differential to sixty percent over a five year period.

For the average residential customer, these increases will result in additional billings of approximately \$1.34 per month for both Utilities.

The proposed rate increases recommended in the 2004 Budget, plus the additional 4% in the Water Utility associated specifically with the water taste and odor initiative, fully funds the operating and capital program for the Water and Sewer Utilities in 2004.

City Council approval is required to implement rate adjustments.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Cybill Strum

Cybill Strum stated that it is not fair that the public should have to pay for the wrongdoings of someone else. Stated that there are people that are on fixed incomes that cannot afford to pay these increases.

Mayor Mayans

Mayor Mayans explained that he has been notified by several people regarding the smell and taste of their water and that it is the responsibility of the City Council and Staff to look at the benefit of the entire city.

Motion--

Mayans moved that the rate adjustments for the Water and Sewer Utilities, as proposed in the adopted 2004 budget and as approved by separate City Council action in response to water taste and odor concerns be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said section., introduced and under the rules laid over.

CHANGE ORDER

CHANGE ORDER: REVISION OF POLICY.

Steve Lackey

Public Works Director reviewed the item.

Councilmember Schlapp momentarily absent.

Agenda Report No. 03-1199

March 25, 2003, the City Council approved changes to the City Code and Administrative Regulations pertaining to purchasing policy limits. Charter Ordinance 196, also amended Section 1 of Charter Ordinance 151 pertaining to building public improvement projects. Change Orders are used to address

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unforeseen conditions and to incorporate amenities requested by developers and staff. Change Orders in excess of \$25,000 are not allowed to exceed 25% of the original bid. In practice, the City Council authorizes all Change Orders greater than \$10,000. Approximately 90% of the City's projects are "unit priced" which provide competitively priced-basis for Change Orders. Change Orders are processed quickly with Council action requested to approve the financing of the Change Order within the project budget. Virtually all change orders are within the approved project allocation budget.

The City Council in workshop on October 28, 2003 reviewed the City's policy on processing Change Orders.

The timing of Change Orders are critical to avoid situations that may: (1) jeopardize public safety; (2) result in disruption of services; (3) prolong unavailability of facilities to businesses and the public; and (4) delay (with possible contract penalties) of contracted manpower and equipment. In instances when a public exigency will not permit the delays associated with bidding additional work, it is recommended that the Director of Public Works be authorized to negotiate a Change Order, subject to City Manager approval. Competitive bidding of additional project work exceeding 10% of the original contract amount may foster increased fairness in the award of City project work.

Additional project work exceeding 10% of the original contract amount provides the opportunity for cost savings of competitively bidding. Additional project work not exceeding 10% of the original contract amount is usually advantageous to be performed using the initial contractor already on site, familiar with the work and when possible based on established unit prices of the original contract. Change Orders of \$10,000 or greater require City Council approval. Change Orders under \$10,000 may be authorized by the City Manager.

Mayor Mayans

Mayor Mayans stated that it was his understanding that it would be 25 % on engineering and 10% on building projects. Stated that he thought this was the recommendation from the workshop.

Steve Lackey

Steve Lackey apologized for the confusion and stated that that was what was discussed.

Motion--
--carried

Fearey moved to defer this item until the next meeting so that the Council can look at it again and that the ordinance be rewritten. Motion carried 7 to 0.

TRANSFER PROP. IN PLANEVIEW

TRANSFER OF PROPERTY IN PLANEVIEW FOR PARK PURPOSES. (DISTRICT III)

Doug Kupper

Director of parks and Recreation reviewed the item.

Mayor Mayans momentarily absent, Vice-Mayor Fearey at the chair.

Agenda Report No. 03-1200

On April 1, 2003 the City Council approved the sale of three acres of City-owned land located north of 31st Street North between the Kansas Turnpike and the Fire Department's training center. Subsequent to the sale, it was discovered that this parcel had been included with other land as collateral for Land and Water Conservation grants in the 1970's. A condition of this grant is that if any of the collateralized land is sold, replacement land of equal value must be acquired.

Replacement property was identified in the Planeview area about ¾ mile north of the sale parcel. The replacement tract is owned by the City and located between Roosevelt and George Washington Boulevard behind residential development on Roseberry, Whitney and Fees. The tract consists of platted lots and unplatted reserve and contains 21.85 acres. It was appraised at \$48,000. The sale parcel was appraised for \$32,670. This was also the sale price. Kansas Department of Wildlife and Parks and the Board of Park Commissioners have approved the substitution.

The replacement property is currently titled in the name of the city. Therefore, designating its use for park purposes will require no additional funds for land acquisition.

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The Law Department has approved the transfer document as to form. The Resolution, a written appraisal and letter opinion from the Law Department that this exchange is permissible will be provided to the Department of Wildlife and Parks.

- Councilmember Fearey Councilmember Fearey inquired about the guidelines for how close the land swapped have to be with what is swapped.
- Doug Kupper Doug Kupper explained that under the rules of the land and water conservation grant the City is obligated to replace it in the neighborhood that it was lost. This 22 acres of land is completely surrounded by homes, whereas the property sold was not adjacent to any homes.
- Councilmember Lambke Councilmember Lambke asked to defer this item. Stated that he does not believe that the people in the neighborhood have been consulted about the decision on this site. Stated that he has had some suggestions from the DAB members in this area regarding another site that might be more appropriate. Stated that he would like Mr. Kupper to attend a DAB meeting and let the residents of Planeview hear what he is planning to do with this area.
- Motion-- Lambke moved to defer this item until after the Park Department has conducted a public meeting at Colvin School and have heard from all of the residents and explain the Park Department's proposal and then bring it back to the Council. Motion carried 7 to 0.
- carried

MESSAGE ORD.

MESSAGE ORDINANCE REVISION.

Jack Brown Environmental Health Director reviewed the item.

Councilmember Gray momentarily left the bench.

Agenda Report 03-1201

Kansas does not license or regulate the practice of massage therapy. The City's code dates to 1978, and was developed in response to prostitutes offering "massage" services. There are no Partial responsibility for enforcement of City ordinances moved to the Department of Environmental Health with the 2001 separation of the joint City-County Health department. "massage parlor" licenses or "attendant" permits, as required by the Code, currently issued. In early 2002, the Central Kansas Massage Therapy Association approached Environmental Health staff, requesting revision of the code, shifting its scope from prohibition of unlawful activity now addressed as crimes to appropriate regulation of a legitimate health care practice.

City staff has worked with local therapists to develop the proposed revisions, and District Advisory Boards have examined and endorsed the proposal. The proposal retains requirements for licensing of massage therapy businesses and permits for individual therapists. Outdated language has been replaced, requirements considered illegal or outdated have been eliminated, and suspension and revocation procedures have been updated to reflect current due process requirements. Unnecessary physical examinations and blood tests have been eliminated. The new code also requires liability insurance, allows mobile operations, and requires a modest amount of continuing education. Educational requirements for initial issuance of therapist permits have also been updated to reflect recommendations of national massage organizations. All six District Advisory Boards have recommended adoption of the amended ordinance.

The proposed code establishes massage therapy business licenses at \$150 and therapist permit fees at \$50 (\$25 for annual renewals.) Exact figures on the number of business and therapists do not exist, but estimates suggest 200 to 400 therapists permits and 150 to 300 business licenses would be issued. Passage of the amended code would generate between \$28,000 and \$55,000 annually in new revenue. Existing staff would issue licenses and investigate complaints.

The Department of Law has reviewed the proposed revisions as to form, and drafted an implementing ordinance.

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Mayor Mayans
Leigh Luckinbill

Mayor Mayans inquired if anyone wished to be heard.
President of the Central Kansas Message Therapy Association stated that they are a non-profit organization and have about 25 registered members. Stated that their organization developed out of at least 200 message therapist that started this draft about three years ago and that they did not limit it to just their organization that wrote this draft. Stated that they are required 16 hours every two years of continuing education and does not feel that they should have to have a blood test.

Councilmember Fearey momentarily absent.

Gary Fennes

Ms. Fennes stated that he has been a message therapist for seven years and thinks that this is ludicrous and that whoever is receiving a message has the right to say that you are hurting me. Explained that she was an apprentice and did not go to school to learn this trade. Stated that she does not think they need to be licensed and that they are natural healers.

King David Davis

King David Davis stated that it is a fundamental right of each individual to decide if they want to get a message.

Councilmember Martz momentarily absent.

Bruce Blank

Bruce Blank stated that he has been a practicing therapist for over 20 years and has been a past president of the American Message Therapy Association. Stated that he thinks most message therapists do want to see the antiquated message parlor ordinances rescinded. Stated that he thinks it is an insult to their profession and that it inhibits the growth of their profession. Stated that a poor substitute is not the solution and that there are a lot of people in this profession that do this part time and cannot afford these increases. There is no state law currently in affect and that licensing is the highest form of the certification process. Most people who are message therapist do belong for insurance purposes, to professional message therapy association. Stated that they have insurance in place to cover most problems. Stated that the City of Lawrence took the unprecedented step of rescinding and getting rid of their message parlor ordinances. They did not enact a new set of licensing requirements and registration requirements.

Sharon Nicholas

Ms. Nicholas stated that she has been a message therapist for 13 years and an immediate past president of the American Message Therapy Association in the State of Kansas. Explained that they have begun the application process for the multitude of paperwork that takes place with getting a state law regarding messages. The overall sentiment when the ATMA surveyed its members was 52% wanting state law. Stated that they are asking to be looked at as professionals and to be addressed as professionals.

Denise Gumm

Ms. Gumm stated that she is the legislative chair for the Kansas Association of Therapeutic Message and Body Work. Stated that they are a federally recognized non-profit organization and will be 20 years old next year. Stated that they are also incorporated by the Secretary of State and that they have a membership of 150 people. They are very much against state licensure. Stated that the problem that they have right now is that the public is not educated and that should be the goal.

Mayor Mayans

Mayor Mayans stated that he is asking the City Council to disapprove these changes.

Motion--
--carried

Mayans moved that the revision of Chapter 3.56 of the City Code not be approved. Motion carried 7 to 0.

SPEC. ASSESS FINAN. EXTENDED SPECIAL ASSESSMENT FINANCING.

Terry Cassady

Development Assistance Director reviewed the Item.

Agenda Report No. 03-1202

The Wichita Area Builders Association (WABA) requested the City Council to consider extending the bond terms for special assessment debt from its current fifteen (15) years to twenty (20) years, matching a proposed change in the collection of special assessments from property owners. The goal of the

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WABA an extension of the term is to lower monthly/annual special assessment payments for new residential subdivisions with unique and extraordinary development costs and as incentives for existing neighborhoods without standard municipal improvements (i.e. paving, water/sewers, drainage, etc.).

At its September 9, 2003, meeting, the City Council approved the establishment of a task force comprised of WABA members, City staff members and two Council members to review and recommend criteria and term of special assessment financing for prospective new developments on a case-by-case basis.

The task force recommended that review and approval of the use of an extended 20-year special assessment financing be based primarily on the impact of "extraordinary development" costs on the acceptable per lot cost for special assessments. Developers indicate that new NPDES regulations, drainage issues and site grading requirements often cause extraordinary development costs.

Other criteria recommended by the task force when considering extended special assessment financing are: (1) dewatering for sewer projects; (2) drainage and major on-site detention requirements; (3) extension of Wichita water or sewer mains farther than is typical to serve new developments; (4) enhanced road improvements; (5) collector streets; and (6) bridges.

The task force also recommended that applications for extended special assessment financing submitted by existing Wichita neighborhoods for paving, storm sewer installation and water/sewer installations be automatically approved. The task force believes that 20-year assessment period may serve as an incentive to neighborhoods without municipal utilities to petition for these services. This may mitigate existing problems with septic tanks, lagoons, unpaved streets, drainage issues and other related problems. In addition, such a financing incentive will reduce maintenance costs incurred by Public Works for road grading and maintenance of ditches in areas with unpaved streets.

Each and every application submitted for extended 20-year special assessment financing will be reviewed by a permanent committee to be appointed by the City Council. This committee will remain consistent throughout the pilot project.

WABA has provided the following list of the various new home price ranges, the monthly range for special assessments that the market will bear, and cost justification.

Price Range of Property	Special Assessment Range
Up to \$100,000	\$90 maximum
\$100 - \$120,000	\$100 maximum
\$120 - \$150,000	\$125 maximum
\$150 - \$200,000	\$140 maximum
\$200 - \$300,000	\$150 maximum
\$300 - \$450,000	\$165 maximum
\$450 - \$600,000	\$180 maximum
\$600,000 & Up	\$200 maximum

To determine the price ranges of housing and the corresponding dollar amount of special assessments that should not be exceeded in order to preclude the new development from being considered "market compromised," a number of meetings were held with the areas leading developers, builders, and sales and marketing professional active throughout the greater Wichita area. These meeting were arranged by WABA in conjunction with its Land Development Committee, and Sales and Marketing Council.

The question posed to participants in each meeting was "at what amount do special assessments become a significant deterrent to the marketing of new homes in new home subdivisions relative to the price of homes being built in those subdivisions?" The responses were as follows: The information gleaned from those participating in the meetings varied depending on the level of expertise and experience of those participating.

No participants ventured an opinion as to what should be considered an acceptable level of special assessments relative to a price range of housing if they were not experienced in dealing in that particular segment of the market.

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Responses received were considered to be the most insightful and credible given the fact that those with the most experience and expertise in a specific segment of the market were the ones offering advice and counsel as to what should be deemed an acceptable amount of specials relative to a specific price range before significant market resistance is encountered from the new home buying public.

Current developments were discussed in terms of problems associated with higher than normal costs of development, what a number of the cost drivers were, and the impact of market resistance to those areas where special assessments were considered to be excessive.

In addition to meetings held with the areas leading developers, builders, and sales and marketing professionals information contained in the Wichita Area Association of Realtors, Inc. Multiple Listing Service Statistical Data Base was reviewed to determine if the price ranges of housing and the corresponding special assessments established herein correlated with the price range of homes that have been selling throughout the greater Wichita area. Interpretation of the data indicates a direct correlation between the number of total sales (new home and existing home sales combined) that have taken place in the greater Wichita area this year taking into consideration of the difference in the average sale price of new versus existing homes (average existing home sales price is \$103,195 versus average new home sales price of \$170,161). This analysis supports the recommendations herein.

Special assessment debt is a component of City General Obligation debt repaid by taxing specific benefit districts. Special assessment debt (meeting the criteria) will be spread over twenty years to property owners and will be payable at the same time as property taxes. The effect of extending the term will increase the aggregate amount of debt (new debt will be added faster than old debt will be retired) and will increase the interest cost to both property owners and the City of Wichita (longer maturity debt typically carries a higher interest rate).

K.S.A. 12-6a10 permits the issuance of special assessment bonds for a 20-year period. The governing body has the authority to permit the issuance of 20-year bonds and may establish a policy establishing criteria for determining when such bonds shall be issued.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Geneva Harris

Ms. Harris stated that she just built a new house and has to pay 15 years for specials and thinks that it is ridiculous to ask somebody to pay 2/3 of the life of a mortgage for specials.

Wes Galyon

Mr. Galyon who is with Wichita Builders Association stated that he is supportive of this presentation and it is a good proposal in their view because it deals not only with housing that is developed in new subdivisions on the urban fringe but it also gives the City and opportunity to look carefully at improvements that may need to be made in existing subdivisions and it does extend the time period over when financing can be done. Stated that they think this is the right thing to do at the right time and are proposing that this be done on a case-by-case basis. This helps promote affordability at the entry level and as people move up from entry level to the next level. Stated that he thinks it makes sense to keep the current task force in place that dealt with this issue and developed the recommendation to the Council at least for the pilot period because those people already have the background. It will probably be three to five years before they have a trend developed in regard to the impact of doing this.

Cybill Strum

Cybill Strum stated that being a homeowner you are now being asked to pay for everything. Stated that she thought being a homeowner is an American dream and that her conclusion is that he is becoming bankrupt.

Elizabeth Bishop

Ms. Bishop commended the task force that worked on this and would like to request that there be some citizen representation on that committee and that the committee might ask some other questions as part of preparing a report and looking at this as a pilot project for a year. Some of those questions might be what percent of public debt that the city currently has is made up of special assessments and of those what percentage is for new development. Another question might be what is the default rate and do we have repeat defaulters and what of the overall public debt that exist for the City of Wichita on a per capita basis, does this have an impact on our bond rating and make borrowing more expensive.

Councilmember Gray

Councilmember Gray stated that he thinks there is some confusion in the audience with what is being proposed. This is not forcing people to pay their special assessments over a longer period of time. It is

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not the City trying to generate more money, it is an opportunity for the homeowner to possibly move into a house and afford a new home that they would not be able to afford because the special assessment taxes would be too high and they would not qualify for the mortgage. Would like to recommend that the pilot program be changed from one year to five years so that the task force would have enough data available to make a more informed decision, whether or not to discontinue it or to make 20 year special assessments applicable to all funding of public projects.

Motion--

Mayans moved that the one-year pilot program to determine impacts of an extended 20-year special assessment financing for prospective new developments (on a case-by-case basis), and for those existing Wichita neighborhoods without water/sewer, storm sewers and/or paved streets be approved. Motion carried 7 to 0.

--carried

RECESS

Motion--

Fearey moved to take a recess to meet with the park board, which they are scheduled for a meeting at noon and recess until 1:00 p.m. and reconvene in the council chambers. Motion carried 7 to 0.

--carried

Reconvene

Vice-Mayor Fearey called the meeting back to order at 1:00 p.m.

CITY COUNCIL AGENDA

FLOODING

FLOODING ALONG DRY AND GYPSUM CREEKS. (DISTRICTS I, II AND III)
(Requested by Councilmember Lambke)

Chris Carrier

Storm Water Engineer reviewed the item.

Agenda Report No. 03-1203

Due to historical flooding that has occurred along Dry Creek and Gypsum Creek in the southeast portion of Wichita, the Storm Water Utility has prepared Master Plans for projects to reduce flooding in these areas. The pertinent Master Plan projects currently proposed in the Capital Improvement Program, C.I.P., now being considered are as follows:

Project	Estimated Cost	Proposed Funding Source	Anticipated Construction Year
Dry Creek ROW – Pawnee to Mt. Vernon		\$1,714,000	RB 2006, 2007
Dry Creek, Kellogg to Douglas	\$2,600,000	GO	2012
Dry Creek, Douglas to 9th	\$3,500,000	GO	2009, 2011
Dry Creek, Lincoln to Orme	\$1,300,000	GO	2006
Dry Creek, Edgemoor to Central	\$ 640,000	GO	2009, 2010
Gypsum Creek, West of Hillside	\$ 605,000	GO	2006
Gypsum Creek, Pawnee to Woodlawn		\$2,195,000	RB 2005, 2006
Gypsum Creek, Rock Road to Eastern		\$1,200,000	RB 2008
TOTALS:	\$9,845,000	\$3,909,000	GORB

In order to design and construct these and the other projects currently shown in the proposed C.I.P., total E.R.U. increases of \$0.60 would be required from 2004 to 2013, as shown in the C.I.P. Workbook, Financial Summaries.

Heavy rains that occurred on the evening of October 8, 2003, flooded homes in many of the same neighborhoods that have flooded before. As a result, many of the residents and their Neighborhood Association representatives have met with Council Members requesting that action be taken as quickly as possible to alleviate the flooding problems.

Should Council Members desire to move the proposed projects forward, Council should direct Staff to propose funding alternatives to accomplish this, that could be considered before the proposed C.I.P. is finalized. Alternatives could include additional general obligation bond funding or an increase in the

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Storm Water E.R.U. fee over and above what is already proposed to support the issuance of additional revenue bonds.

- Vice-Mayor Fearey Vice-Mayor Fearey inquired if anyone wished to be heard.
- Jim Skelton Mr. Skelton, 5903 E. Skinner, reported that his house is along the Gypsum Creek and that there has to be something done to manage the water. Stated that he has observed more and more water in recent years and that it takes less rain for flooding to occur and has seen whole trees torn away from the bank. Stated that this is deteriorating their neighborhood and that people do not want to invest money in something that is going to flood again in a few years. There is significant erosion along the bank, which is starting to have some serious implications to his property. Stated that one concern that he has is the amount of new development that is going on in northeast Wichita. Would like the City to take a look at the amount of water that is being sent down to Gypsum Creek and to look at the storm water retention requirements for adequacy and compliance.
- Jenae Johnson Ms. Johnson, 605 S. Pinecrest, reported that Councilmember Lamke has come out to her home and that Mr. Carrier has driven by her home. Stated that when the City started the improvements on Kellogg, they took out all of the trees and dirt and that after the first rain she got 3 ½ feet of water in her basement. Stated that several of the residents in her neighborhood protested the building of the bridge on Orme Street and the bridge was built anyways and after the next rain she again had three feet of water in her basement. Stated that she cannot afford to keep replacing everything and does not have flood insurance.
- Syd Bruner Syd Bruner, 1914 Frabrique, read a statement. Reported that several times he has witnessed the flooding of Gypsum Creek. The 75 plus residents in this area have waited decades for something to be done with the flooding problem at Gypsum Creek.
- Roger Smith Mr. Smith, 1932 Lexington, stated that he would like to address the City Council with a write up regarding quality control. Reported that over the last 45 years this area has been flooded 10 different times. Would like to see the City Council be proactive instead of reactive.
- Gordon Wood Mr. Wood, 1919 S. Fabrique Dr., has lived there for 32 years and that the flooding problem or the threat of flooding is their biggest problem. Stated that the reason he is here today is to ask that the City Council not go beyond 2006 as a completion date for the work done at Gypsum Creek. It has been 23 years since their section of Gypsum Creek has been put on a CIP and that he is asking that the City Council have this project completed by 2006.
- Charlotte Foster Ms. Foster, President for Great Neighborhood Association, stated that something needs to be done about this problem and would like to know how the money is being spent. They would like to have their share of the ERU money and the CIP money.
- Melissa Tanner Ms. Tanner, 1902 Lexington, distributed pictures of her flooded basement to the Councilmembers. Stated that her children have been affected by the flooding. Would like to see this problem fixed.
- John Camp Mr. Camp, President and founder of the K-15 Association, stated that he does not object to new businesses in the City but the businesses being developed in the north end of town is giving grief to the people living in the south end of the City. Stated that the people in the south end of town are getting tired of being dumped on and would like to see this problem fixed now and not in 2008.
- Suzanne Morgan Ms. Morgan, 2132 George Washington Blvd., stated that her backyard runs along Dry Creek and have two significant floods and two small floods. She has had had water in her house twice this year and is asking for the City's help.
- Councilmember Gray Councilmember Gray stated that he is very aware that flooding is a serious problem in this area but is not sure what can be voted on today. Explained that it takes two to three years for a project to be completed, even if it were approved today. Stated that this problem will be taken care of but cannot be accomplished in one year.

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- Councilmember Schlapp Councilmember Schlapp stated that she wished that the City could do something quickly and will not let this issue die. Asked Mr. Carrier if we are looking at retention ponds in the northeast area to keep the water from coming down, what about using Beech Lakes.
- Chris Carrier Mr. Carrier stated that this is something that could be looked at as an overall plan and some of that is already will be used for water retention.
- Councilmember Brewer Councilmember Brewer stated that the Council is sympathetic to what is happening and will be looking at this very closely and try to come up with some kind of resolution.
- Councilmember Martz Councilmember Martz stated that there is flooding in his district also and that flooding is a priority for all of them.
- Motion-- Lambke moved that Staff determine what ERU increase is necessary to do these projects listed on the sheet that Chris Carrier has prepared by 2006 without sacrificing other program flooding issues in the City and bring back to the council in two weeks.
- Amendment to Motion-- Gray moved to make an amendment to the motion that staff come to an estimated ERU increase that would set a schedule to fund all of the CIP drainage issues that are scheduled within the next 10 years including those that are in the unfounded list and to give the Council and idea of what it will take to have all of those projects completed by the end of this decade instead of putting it out an additional 10 years and then to come back to the Council for discussion in two weeks.
- Councilmember Brewer momentarily absent.
- Councilmember Gray Councilmember Gray stated that he would like to clarify his motion that this could also be an opportunity for Staff to bring forth an alternative financing proposal, whether it be a shifting of the CIP or any additional increases in the mill levy so that it is not all based on the ERU.
- carried Motion carried 6 to 0. Mayor Mayans absent.

BOARD APPTS.

BOARD APPOINTMENTS.

- Motion--carried Martz moved to appoint Evelyn Neier to the Library Board. Motion carried 6 to 0. Mayans absent.

ELECTRICAL BOARD OF APPEALS.

- Motion-- Gray moved to appoint Larry Hackney, Jerry Addington, Dale Johnson, John Whittit, Roy Meinhardt, and Larry Clark to the Electrical Board of Appeals. Motion carried 6 to 0. Mayans absent.
- carried

PLUMBING AND GAS FITTERS BOARD.

- Motion-- Gray moved to appoint Terry Irwin and Larry Dougherty to the Plumbing and Gas Fitters Board.
- carried Motion carried 6 to 0. Mayans absent.

MECHANICAL BOARD.

- Motion--carried Gray moved to appoint David Hughes to the Mechanical Board. Motion carried 6 to 0. Mayans absent.

DAB IV.

- Motion-- Gray moved to appoint Reverend Damon Burroughs to the DAB IV Board. Motion carried
- carried 6 to 0. Mayans absent.

APPOINTMENT OF TWO (2) COUNCILMEMBERS FOR COLLABORATION STATEMENT WITH SCHOOLS/COUNTY.

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Motion--
--carried Fearey moved that Councilmember Schlapp and Lambke be appointed for collaboration statement with schools/county. Motion carried 6 to 0. Mayans absent.

PROPERTY ACQ. DISCUSSION OF AIRPORT LAND ACQUISITION.

John Philbrick Director of Property Management reviewed the item.

Agenda Report No. 03-1249

The City's Industrial Land task force identified the need for adequate size (80 to 100 acre) industrial tracts to attract business. These sites need to have utilities available and have convenient access to transportation. One of the prime locations identified was in proximity to Mid-Continent Airport. Because of geographic and regulatory barriers, there are few parcels of significant size in the area. The City has been advised that an approximately 99-acre parcel of land is available for sale. The parcel is located between Maize and Tyler, K-42 and 31st Street North. The property is zoned Limited Industrial and platted with all utilities to the site. Interior improvements have not been made. The site is subject to a restrictive covenant preventing the taxiing of aircraft. The City owns approximately 32 acres immediately east of this tract across Tyler Road. East of that parcel is Mid Continent Airport.

The owner has offered the property to the City for \$4,000,000 (approximately \$.93 per square foot). The owner will sell the property over four years in four equal parcels. In lieu of cash in the first year, the owner will accept existing City ownership on the north side of Kellogg from Byron to Seville. The City's ownership consists of three 600-foot long blocks totaling approximately 252,000 square feet. The value of these three 600-foot long blocks of land is \$1,000,000, resulting in a remaining cash payment of \$3,000,000 over a three year period of time. The remaining payments would be in the amount of \$1,000,000 per year plus interest and specials. Platted, zoned, fully serviced but undeveloped industrial land without airport influence lists for \$.60-\$.70 per square foot. Because of its scarcity, the premium for airport proximity is difficult to quantify. The Airport Master Plan recommended preservation and protection of land adjacent to the airport.

This acquisition is not currently in the CIP so if it is pursued, funding will need to be identified.

The Law Department will approve any documents as to form.

Vice-Mayor Fearey Vice-Mayor Fearey inquired if anyone wished to be heard and no one appeared.

Motion--
--carried Martz moved that the acquisition of this property be considered and authorize staff to negotiate a purchase price. Motion carried 6 to 0. Mayans absent.

OFF AGENDA ITEMS

Motion--carried Vice-Mayor Fearey moved to bring up two items off of the agenda. Motion carried 6 to 0. Mayans absent.

Vice-Mayor Fearey Vice-Mayor Fearey reported that the first item has to do with travel expenses for the Mayor and his spouse will be traveling to Orleans France, December 3rd through the 9th.

Motion--carried Brewer moved to approve the expenditure. Motion carried 5 to 1, Lambke no. Mayans absent.

Vice-Mayor Fearey Vice-Mayor Fearey reported that the Mayor asked her to bring this item up for him is that this year Christmas is on a Thursday making Friday a one day back to work day and usually that day is not very busy. It has been requested that that day be a holiday for the City employees.

Motion--
--carried Vice-Mayor Fearey moved that the City Council declare December 26th a holiday for City employees. Motion carried 6 to 0. Mayans absent.

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CONSENT AGENDA

Motion--
--carried

Fearey moved that the Consent Agenda be approved as consensus Items. Motion carried 6 to 0. Mayans absent.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 17, 2003.

Bids were opened November 7 and November 14, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Water distribution system to serve Pine Meadows Second Addition - south of 13th Street North, east of Greenwich. (448-89648/735152/470822) Does not affect existing traffic. (District II)

K C Excavating - \$8,459.00

Water distribution system, Phase 1 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89737/735155/470825); Water distribution system, Phase 2 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89728/735153/470823)AND; Water Distribution System, Phase 3 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89862/735154/470824) Does not affect existing traffic. (District II)

WBW Contractors - \$91,382.00 (Total Aggregate Bid)

Harry, Oliver to Woodlawn (87N-0191-01/472-83685/706852/203318) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Ritchie Paving - \$1,581,655.47 (Subject to KDOT Approval)

Installation of streetlights on Waterfront Parkway between 13th Street North and Webb Road (472-82808/765809/490920) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Phillips Southern Electric – \$59,565.79

2003 contract maintenance asphalt mill & overlay Phase 2 - north of 47th Street South, east of Hydraulic. (472-83877/132714/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II & III)

Kansas Paving Company - \$170,000.00 (Engineer's Estimate)

Motion--
--carried

Fearey moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized Motion carried 6 to 0. Mayans absent.

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Roof Replacement Fire Station #2.

Larry Booze Roofing - \$35,567.63

FIRE DEPARTMENT: Hazardous Materials Team Physicals.

Via Christi Rehabilitation Center - \$941.28 (Group 1/each)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Ion Chromatography System.

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Dionex Corp - \$31,205.00 (Group 1 Total Net Base Bid)
<\$4,680.00> (Option 1/Deduct)
\$7,040.00 (Option 1/Add)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Tires.

Holleicke Perrin Tires Inc. - \$9,980.60* (Group 1/Total Net Bid)
Wiechman-Bush Tires Inc. - \$12,560.00* (Group 2/Total Net Bid)
\$17,462.00* (Group 3/Total Net Bid)
\$34,482.00* (Group 4/Total Net Bid)
\$12,078.00* (Group 5/Total Net Bid)
Karl's Tire & Auto Service Inc. - \$ 7,496.00* (Group 6/Total Net Bid)
\$11,153.00* (Group 7/Total Net Bid)

*Refer to attachments

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Fence – Install Concrete Mow Strip.

Wichita Electric Co., Inc. - \$43,540.00 (Group 1/Total Net Bid)
\$40,455.00 (Group 2/Total Net Bid)

FIRE DEPARTMENT: SAFETY DIVISION: Firefighter Protective Clothing.

Municipal Emergency Services/-dba Mes-Kan – \$98,120.00* (Group 1/Includes Additional 20 ea./
Total Net Bid)
\$ 4,203.00 (Group 2 Total Net Bid)
\$ 1,400.00 (Group 3/Total Net Bid)
\$ 1,600.00 (Group 4/Total Net Bid)
\$ 4,438.00 (Group 5/Total Net Bid)
\$16,499.00 (Group 6/Includes Additional 20 ea/
Total Net Bid)
\$ 2,474.85 (Group 7/Total Net Bid)

PUBLIC WORKS DEPARTMENTS/BUILDING SERVICES DIVISION: Beam Replacement/Repairs at Botanica.

S & A Construction - \$38,285.00 (Group 1/Total Net Base Bid)
\$10,225.00 (Option 1)
\$ 5,423.00 (Option 2)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT: Central at Kapaun Mt. Carmel Drainage.

W B Carter Construction Co. - \$25,731.00 Total Net Bid)

FIRE DEPARTMENT/SAFETY DIVISION: Fire Hose.

Casco Industries, Inc. - \$39,736.74 (Group 1/Total Net Bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Articulating Boomlift.

Rental Service Corp - \$37,650.00 (Group 1/Total Net Bid)

POLICE DEPARTMENT/FIELD SERVICES DIVISION: ProLaser III Handheld Radar Gun with Battery Charger and Case. (Quantity of four (4) each)

Kustom Signals Inc.* - \$12,536.00 (State of Kansas Contract #05907)
*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

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FINANCE DEPARTMENT-IT/IS DIVISION: Replacement of the GISLynx Server /RQ301963.

Hewlett Packard/Global Computer* - \$25,925.00 (WSCA Contract #92-00151

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Gear Reducer Factory Rebuild.

Flender Corporation* - \$27,977.80

*Subject to Ordinance No. 35-856 Item (D) No Bids Received. In those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing Body.

WICHITA AIRPORT/BUILDING MAINTENANCE DIVISION: Motorola Radios.

Motorola, Inc.* - \$13,603.50 (State of Kansas Contract #28440/1800 MHz Motorola Radio Equipment)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
--carried

Fearey moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renew Adult Entertainment

Norman Massey Jr.	Circle Cinema	2570 South Seneca
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Motion--
--carried

Fearey moved that the license subject to Staff review and approval be approved. Motion carried 6 to 0. Mayans absent.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Guaodlupe Cordova	Chico's Restaurant*	3949 West Douglas
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301046*	333 East 47th Street South
John J. Murphy	Pizza Hut #301065*	2181 North Rock Road
John J. Murphy	Pizza Hut #301073*	1035 North Broadway
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Saqib Irfan	DAO Variety Store	1601 East Central

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Fearey moved that the licenses subject to Staff review and approval be approved. Motion carried 6 to 0. Mayans absent.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Central Street Bridge at Tara (87N-0203-01/472-83801/715696/243112) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$720,000.00
- b) Planeview EPA Sanitary Sewer Reconstruction Phase 1 - east of Hillside, north of 31st Street South. (468-83675/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$437,000.00
- c) Old Town parking lot improvements/132 North Mosley. (472-83846/792393/435363) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$174,229.62
- d) Water line relocation at the intersection of Lincoln and McLean. (448-89556/636103/771501) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$75,000.00
- e) 2003 sanitary sewer reconstruction Phase 9 - various locations/north of Pawnee, east of Meridian. (468-83710/620388/663509) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,VI) - \$445,000.00
- f) 29th Street from Rock Road to Webb Road, Phase 2 Landscaping (472-83519/706841/202307) Does not affect existing traffic. (District II) - \$113,625.00
- g) Lateral 83, Main 22 War Industry Sewer to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83672/744014/480702) Does not affect existing traffic. (District II) - \$96,000.00
- h) Hawthorne Street from the south line of Siefkes, south to the north line of Hawthorne Street; on Hawthorne Street from the east line of Turnberry, east and south to the north line of Lot 14, Block A, north to the south line of Lot 20, Block A; on Whitewood from the east line of Turnberry to the west line of Hawthorne Street to serve Shoal Creek Second Addition - south of Central, west of 143rd Street East. (472-83820/765821/490932) Does not affect existing traffic. (District II) - \$183,000.00
- i) Water supply line along Pawnee to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89581/735150/470820) Does not affect existing traffic. (District V) - \$33,000.00
- j) Water distribution s System to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89584/735149/470819) Does not affect existing traffic. (District V) - \$104,000.00
- k) Glenwood, from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition; Bridlewood from the west line of Lot 1, Block 3, Reed's Cove Addition to the west line of Glenwood; Sidewalk on one side of Glenwood from the south line of Lot 1, Block 3, Reed's Cove Second Addition to the south line of Lot 6, Block 2, Reed's Cove Addition, and on one side of Bridlewood from the west line of Lot 1, Block 3 Reed's Cove Addition to the west line of Glenwood to serve Reed's Cove & Reed's Cove Second Additions - south of 21st Street North, east of 127th Street East. (472-83770/765823/490934) Does not affect existing traffic. (District II) - \$142,000.00
- l) Wilson Estates Court serving Lots 1 through 16, Block 1, from the south line of Wilson Estates Parkway to and including the cul-de-sac to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (472-83842/765817/490928) Does not affect existing traffic. (District II) - \$319,000.00
- m) Main 13, Four Mile Creek Sewer Phase 2 to serve Hawthorne Second Addition -north of 21st Street North, east of 127th Street East.(468-83506/744011/480699) Does not affect existing traffic. (District II) - \$144,000.00

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- n) Lateral 2, Main 13 Four Mile Creek Sewer Phase B to serve Hawthorne Second Addition - north of 21st Street North, east of 127th Street East. (468-83508/744012/480700) Does not affect existing traffic. (District II) - \$113,000.00
- o) Lateral 3, Main 13 Four Mile Creek Sewer Phase A to serve Hawthorne Second Addition - north of 21st Street North, east of 127th Street East. (468-83509/744013/480701) Does not affect existing traffic. (District II) - \$152,000.00
- p) Water distribution system to serve Brighton Courts Addition- south of 21st Street North, west of Webb. (448-89856/735151/470821) Does not affect existing traffic. (District II) - \$47,000.00
- q) Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on Lotus from the east line of Milstead, east to the east line of the plat. Milstead Court (Lots 26 thru 34, Block D) from the west line of Milstead, west to and including the cul-de-sac, on Milstead Court (Lots 35 thru 43, Block D) from the west line of Milstead west to and including the cul-de-sac; and on Milstead Court (Lots 44 thru 53, Block D) from the west line of Milstead, west to and including the cul-de-sac. Sidewalk along one side of Milstead from the east line of Lot 17, Block D, south to the south line of the plat and on one side of Lotus from the east line of the plat to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (472-83385/765824/490935) Does not affect existing traffic. (District V) - \$448,000.00
- r) 12 inch water main in MacArthur from Hoover to Ridge (448-89802/633764/633763/753843/753841) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$220,000.00

Motion--carried

Fearey moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. Mayans absent.

COST STATEMENTS STATEMENTS OF COST:

- a) Seneca, 31st Street South to Pawnee Total Cost – \$1,237,043.49 (plus idle fund interest - \$2,368.14; plus temporary note financing - \$10,189.37; less interfund transfers - \$1,210,000.00; less reimbursements - \$26,685.00). Financing to be issued at this time - \$12,916.00. (706778/472-83084/200-236).
- b) Parking Lots/Entry Drive 2002. Total Cost - \$440,162 (plus temporary note financing - \$0.00; plus idle fund interest - \$3,102; less gain from sale of investments - \$505; less financing previously issued - \$440,150). Financing to be issued at this time - \$2,609. (785028/392-160)
- c) Athletic Courts Renovations 2002. Total Cost - \$157,558 (plus temporary note financing - \$0.00; plus idle fund interest - \$1,258; less gain from sale of investments - \$216; less financing previously issued - \$152,000). Financing to be issued at this time - \$6,600. (785029/392-161)

PARTIAL STATEMENTS OF COST:

- d) (First Partial) Estimate of Cost for improving Lincoln and McLean Intersection - \$12,000; less financing previously issued - \$0. Financing to be issued at this time - \$12,000. (706863/472-83799/203-329).
- e) (First Partial) Estimate of Cost for improving Main Street, Douglas to Murdock - \$16,000; less financing previously issued - \$0. Financing to be issued at this time - \$16,000. (706864/472-83811/203-330).
- f) (Eighth Partial) Estimate of Cost for improving Seneca, Douglas to McLean- \$2,725,000; less financing previously issued - \$2,690,000. Financing to be issued at this time - \$35,000. (706747/472-82966/208-228).

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- g) (First Partial) Estimate of Cost for improving Harry Street, I-135 to George Washington Boulevard - \$23,000; less financing previously issued - \$0. Financing to be issued at this time - \$23,000. (706851/472-83686/203-317).
- h) (Fourth Partial) Estimate of Cost for improving West Douglas Streetscape (2000 Arterial Design) - \$142,000; less financing previously issued - \$112,000. Financing to be issued at this time - \$30,000. (706825/472-83148/201-291).
- i) (Second Partial) Estimate of Cost for improving 2003 Street Rehabilitation Program - \$285,000; less financing previously issued - \$200,000. Financing to be issued at this time - \$85,000. (706850/472-83672/203-316).
- j) (Second Partial) Estimate of Cost for improving 2001 Traffic Signals Phase I - \$295,883; Less KDOT Reimbursements - \$170,883; less financing previously issued - \$25,000. Financing to be issued at this time - \$100,000. (710215/472-83367/231-077).
- k) (First Partial) Estimate of Cost for improving 13th Bridge at Cowskin Creek (Design) - \$40,000; less financing previously issued - \$0. Financing to be issued at this time - \$40,000. (715989/472-83511/242-102)
- l) (First Partial) Estimate of Cost for improving 21st Street Bridge at Chisholm Creek (Design) - \$25,000; less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (715688/472-83513/242-104).
- m) (Third Partial) Estimate of Cost for improving Grove Park Design - \$155,000; less financing previously issued - \$140,000. Financing to be issued at this time - \$15,000. (785008/390-140)
- n) (Fourth Partial) Estimate of Cost for improving Central Riverside Park - \$4,900,000; less financing previously issued - \$2,250,000. Financing to be issued at this time - \$2,650,000. (785016/390-148)
- o) (Third Partial) Estimate of Cost for improving Park Facilities 2002 - \$396,600; less financing previously issued - \$303,000. Financing to be issued at this time - \$93,600. (785023/392-155)
- p) (Second Partial) Estimate of Cost for improving Park Lighting 2002 - \$48,500; less financing previously issued - \$10,000. Financing to be issued at this time - \$38,500. (785026/392-158)
- q) (Second Partial) Estimate of Cost for improving Garvey Park - \$26,800; less financing previously issued - \$15,000. Financing to be issued at this time - \$11,800. (785031/392-163)
- r) (First Partial) Estimate of Cost for improving Park Playgrounds 2002- \$490,500; less financing previously issued - \$0. Financing to be issued at this time - \$490,500. (785032/392-164)
- s) (First Partial) Estimate of Cost for improving Park Playgrounds 2003- \$294,000; less financing previously issued - \$0. Financing to be issued at this time - \$294,000. (785033/393-165)
- t) (First Partial) Estimate of Cost for improving Park Parking Lots/Entry Drives 2003- \$422,800; less financing previously issued - \$0. Financing to be issued at this time - \$422,800. (785034/393-166)
- u) (First Partial) Estimate of Cost for improving Park Lighting 2003- \$31,500; less financing previously issued - \$0. Financing to be issued at this time - \$31,500. (785035/393-167).
- v) (First Partial) Estimate of Cost for improving Park Facilities 2003- \$275,000; less financing previously issued - \$0. Financing to be issued at this time - \$275,000. (785037/393-169)
- w) (First Partial) Estimate of Cost for improving Swimming Pools 2003- \$95,000; less financing previously issued - \$0. Financing to be issued at this time - \$95,000. (785038/393-170)

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x) (First Partial) Estimate of Cost for improving Adult Soccer Fields- \$260,000; less financing previously issued - \$0. Financing to be issued at this time - \$260,000. (785039/393-171)

AMENDED PARTIAL STATEMENTS OF COST:

y) (Sixth Amended Partial) Estimate of Cost for improving Hydraulic, 57th Street South to MacArthur - \$4,455,670; less financing previously issued - \$4,315,670.
Financing to be issued at this time - \$140,000. (706810/472-83324/201-275).

z) (Fourth Amended Partial) Estimate of Cost for improving 2002 Wheelchair Ramps and Sidewalks, Phase I - \$577,000; less financing previously issued - \$507,000. Financing to be issued at this time - \$70,000. (706828/472-83437/202-294).

aa) (Third Amended Partial) Estimate of Cost for improving Hillside, Kellogg to Central - \$215,000; less financing previously issued - \$196,000. Financing to be issued at this time - \$19,000. (706834/472-83453/202-300).

bb) (Second Amended Partial) Estimate of Cost for Hillside, 17th to 20th Street - \$1,375,000; less financing previously issued - \$575,000. Financing to be issued at this time - \$800,000. (706842/472-83537/202-308).

cc) (Second Amended Partial) Estimate of Cost for 2003 Wheelchair Ramps and Sidewalks - \$420,000; less financing previously issued - \$360,000. Financing to be issued at this time - \$60,000. (706847/472-83660/203-313).

dd) (First Amended Partial) Estimate of Cost for improving Harry Street, Oliver to Woodlawn - \$18,000; less financing previously issued - \$0. Financing to be issued at this time - \$18,000. (706852/472-83685/203-318).

ee) (First Amended Partial) Estimate of Cost for improving Meridian, 31st Street South to Pawnee (2003 Arterial Street Design) - \$22,000; less financing previously issued - \$0. Financing to be issued at this time - \$22,000. (706854/472-83756/203-320).

ff) (First Amended Partial) Estimate of Cost for improving Central, Oliver to Woodlawn (Design) - \$85,000; less financing previously issued - \$0; Financing to be issued at this time - \$85,000. (706862/472-83754/203-328).

gg) (Second Amended Partial) Estimate of Cost for improving Hillside, Kellogg to Central (Design)- \$155,000; less financing previously issued - \$75,000. Financing to be issued at this time - \$80,000. (706820/472-83361/201-286).

hh) (Second Amended Partial) Estimate of Cost for Central, Maize to Tyler - \$911,058; less KDOT reimbursements - \$641,058, less financing previously issued - \$20,000. Financing to be issued at this time - \$250,000. (706848/472-83659/203-314).

Motion--carried

Fearey moved that the Statements of Cost be approved and filed. Motion carried 6 to 0. Mayans absent.

PETITION

CONSTRUCT A STORM WATER SEWER TO SERVE THE FAIRMONT ADDITION-NORTH OF 21ST STREET, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 03-1248

The Petition has been signed by one owner, representing 100% of the improvement district. The project will provide drainage improvements in a new residential development located north of 21st Street, west of 127th Street East.

The Petition totals \$19,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Fearey moved that the Petition be approved, and the Resolution adopted . Motion carried 6 to 0. Mayans absent.

RESOLUTION NO. 03-620

Resolution of findings of advisability and resolution authorizing construction of Storm Water Sewer No. 597 (north of 21st, west of 127th street east) 468-83723 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

ADV. BOARD MIN. MINUTES OF ADVISORY BOARDS/COMMISSIONS.

Motion--carried Fearey moved that the minutes be received and filed. Motion carried 6 to 0. Mayans absent.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

QRTLY FINAN. RPT. QUARTERLY FINANCIAL REPORT-THIRD QUARTER OF FISCAL 2003.

Motion--carried Fearey moved that the report be received and filed. Motion carried 6 to 0. Mayans absent.

CLAIMS REPORT ON CLAIMS ALLOWED-OCTOBER, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Bauer, Norman	\$504.00
Bryant, Donna	\$803.00
Daniels, Margaret	\$344.20
Hixon, Paul & Betty	\$45.00
Houston, Cleo	\$86.27
Kansas Gas Service	\$1,105.81
Lerman, Kenneth B.	\$258.30
Moore Engineering Services	\$4,270.00
Morrow, Debra J.	\$64.00
Reisman, Stephen J.	\$247.16
Sandbar Trading	\$565.42
Schlenker, Tim	\$1,153.78
Williamson, Gina	\$203.83

Motion--carried Fearey moved that the report be received and filed. Motion carried 6 to 0. Mayans absent.

AGRMNTS/CONTS. CONTRACT EXTENSION FOR PARKING MANAGEMENT. (DISTRICT VI)

Agenda Report No. 03-1204

On October 1, 1996, the City of Wichita and AMPCO System Parking (AMPCO) entered into a contract for management of the City Hall Parking complex, the State Office Building Parking Garage and various City-owned surface lots. All allowable extensions have been exercised on the contract.

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Under the contract, AMPCO manages 12 surface lots and two garages totaling approximately 2,300 spaces.

A request for proposal for parking management has been prepared and distributed to parking management companies nationwide. Proposals have been received and are being reviewed. An extension until December 31, 2003 is requested to allow time to evaluate the proposals and negotiate a new contract.

The monthly fee will not change from the current contract amount. Current operating budgets have sufficient funds budgeted for the management costs.

Motion--
--carried

Fearey moved that the Extension be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

FRANCHISE AGRMT. EXTENSION OF FRANCHISE AGREEMENTS WITH KANSAS GAS AND ELECTRIC COMPANY AND SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC.

Agenda Report No. 03-1205

The City has granted two franchises to utilities providing electric service within the City of Wichita. On March 30, 1982, the City Commission approved an ordinance for Kansas Gas and Electric Company (KGE). On March 7, 2000, the City Council approved an ordinance for Sedgwick County Electric Cooperative Association, Inc. On January 15, 2002, the franchises were extended until December 1, 2002 and on December 10, 2002 the franchises were again extended to December 1, 2003, to allow time for negotiations of new franchises. City staff and the utilities held meetings to discuss the terms of new franchises and additional time is needed to finish this process.

These agreements will extend the current electric franchises, until March 1, 2004. All grants, rights, privileges, and obligations under the franchise will remain in full force and effect.

Both companies will be obligated to continue to make franchise payments under the terms of the existing franchises.

Motion--
--carried

Fearey moved that the extension agreements be approved and the necessary signatures authorized. Motion carried 6 to 0. Mayans absent

NORTH INDUSTRY CORRIDOR

PROFESSIONAL SERVICES, LEGAL-NORTH INDUSTRIAL CORRIDOR, NIC PROJECT SUPPLEMENTAL AGREEMENT.

Agenda Report No. 03-1206

The City entered into a professional services agreement with Stinson, Mag & Fizzell (now Stinson Morrison Hecker LLP) to provide legal advice on environmental matters relating to the City's assumption of responsibility for the investigation and clean-up of groundwater contamination in the NIC site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice as needed as the project is being implemented. The contractual limit has been reached and new authority is needed.

This supplemental agreement provides additional authority to continue to use the services of on an as-needed basis for particular legal and environmental issues on the NIC site.

This supplemental agreement provides authority for up to an additional \$50,000 in legal services. This sum is included in the NIC TIF budget for 2003.

Motion--
--carried

Fearey moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0. Mayans absent.

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REED'S COVE

CONSTRUCTION ENGINEERING AND STAKING FOR REED'S COVE AND REED COMMERCIAL ADDITIONS-SOUTH OF 21ST EAST OF 127TH STREET EAST-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-1207

The City Council approved the project on January 7, 2003. On January 14, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Reed's Cove & Reed Commercial Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$21,875 and will be paid by special assessments.

Motion--
--carried

Fearey moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

TYLER'S LANDING

CONSTRUCTION ENGINEERING AND STAKING FOR TYLER'S LANDING ADDITION-SOUTH OF 37TH STREET NORTH, EAST OF TYLER SUPPLEMENTAL AGREEMENT. (DISTRICT V)

Agenda Report No. 03-1208

The City Council approved the project on February 4, 2003. On March 4, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Tyler's Landing Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$17,400 and will be paid by special assessments.

Motion--
--carried

Fearey moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

FOX RIDGE ADD.

CONSTRUCTION ENGINEERING AND STAKING FOR FOX RIDGE ADDITION-NORTH OF 29TH STREET NORTH, BETWEEN MAIZE TO TYLER SUPPLEMENTAL AGREEMENT. (DISTRICT V)

Agenda Report No. 03-1209

The City Council approved the project on August 15, 2003. On September 16, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for paving and storm water drain improvements in Fox Ridge Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$78,630 and will be paid by special assessments.

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Motion--
--carried

Fearey moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0. Mayans absent.

SALES TAX AUDIT

EXTENSION AGREEMENT FOR SALES TAX AUDIT OF CITY.

Agenda Report No. 03-1210

The Kansas Department of Revenue intends to audit the City's sales tax matters for the thirty-six month period beginning November 1, 2000. In connection with the audit, the Department of Revenue requested an extension of approximately ten months in the normal period for assessment. Staff asked that the requested extension be shortened to a more reasonable period of six months, to prevent the audit period from stretching out unnecessarily. The City and the Department of Revenue have known areas of disagreement on several issues of taxability and exemption, which are currently in litigation, and which are therefore unlikely to be resolved with the audit division during the new audit. To the degree that the City and the audit division disagree about audit findings, the Department of Revenue has the ability to require the City to complete a 270-day "informal conference" procedure following any assessment, before the City can obtain independent review by the Kansas Board of Tax Appeals. The Department of Revenue has agreed to modify the extension request to expire June 25, 2004, six months after the date the return for November 2000 would normally close for assessments.

Taxpayers are not required to agree to any extension of the period for assessment. The Department of Revenue, however, regularly asks taxpayers to enter into these agreements to allow it to adjust the full 36-month period prior to the commencement of audit, and it is not uncommon for taxpayers to grant extensions for a reasonable period.

The extension will allow the Department to audit and assess tax for the earliest month in the audit, for an additional six months after the date normally allowed by statute.

The City Attorney's Office has reviewed and approved the form of the extension agreement, which provides for an extended period that should be reasonably sufficient for completion of the audit. It is generally in a taxpayer's interest to keep the audit moving, in order to complete the procedural steps that are controlled by the Department of Revenue and obtain independent review of disputed issues as soon as possible.

Motion--
--carried

Fearey moved that the extension agreement be approved and the necessary signatures authorized. Motion carried 6 to 0. Mayans absent.

CHANGE ORDER

HYDRAULIC IMPROVEMENT, 47TH STREET SOUTH TO MACARTHUR. (DISTRICT III)

Agenda Report No. 03-1212

On July 24, 2001, the City Council approved a project to improve Hydraulic from 47th Street South to MacArthur. A part of the work is the removal and replacement of driveways along Hydraulic. In order to accommodate elevation differences between the street and adjacent private property, additional driveway replacement is needed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$16,837. The funding source is General Obligation Bonds.

The Change Order amount (1%) is within the construction contract cost limit set by the City Council policy.

Motion--
--carried

Fearey moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0. Mayans absent.

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UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-1213

On November 3, 2003 the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Property Address</u>	<u>Council District</u>
a.	4460 East Boston	III
b.	1137 North Indiana	I
c.	1334 North Hydraulic	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Fearey moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on January 6, 2004 at 9:30 a.m. or as soon thereafter be adopted.

--carried

Motion carried 6 to 0. Mayans absent.

RESOLUTION NO. 03-586

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lot 43, Block D, Hilltop Manor Subdivision, a Replat of part of Hilltop Manor and Hilltop Manor Second Addition, being a Subdivision in Section 26, Township 27 South, Range 1 east of the 6th P.M: to the city of Wichita, Kansas, Sedgwick County, Kansas known as 4460 East Boston, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Mayans absent. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-587

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as S. 50 ft. Res. A Exc. E. 30 ft., Read & Oonk's Add., Wichita, Sedgwick County, Kansas known as 1137North Indiana may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-588

Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 9, 10, 11, AND 12, Rosenthal's Second Addition to the city of Wichita, Kansas, Sedgwick County, Kansas known as 334 South Hydraulic, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absen).

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CHANCE INDUST. PURCHASE OPTION, CHANCE INDUSTRIES, INC. (DISTRICT IV)

Agenda Report No. 03-1214

On November 5, 1991, the City Council approved the issuance of \$3,500,000 in Industrial Revenue Bonds, Series VIII-1991, to finance certain facilities for the benefit of Chance Industries, Inc. (Chance). The proceeds from the sale of the bonds were used to expand, remodel and equip Chance's facility, located at 4219 Irving in west Wichita, and to purchase new equipment.

Under the provisions of the Lease Agreement Richard G. Chance (the "Tenant") has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City has been notified by the Tenant that it wishes to call outstanding bonds and exercise its purchase option as part of a proposed sale of the property to investors who would lease the property back to Chance.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Bonds will either be finally paid or defeased by cash escrow before the City's deed is delivered.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Fearey moved that the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement be approved and the necessary signatures and delivery of documents following satisfaction of all applicable conditions be authorized. Motion carried 6 to 0. (Mayans absent).

--carried

RESOLUTION NO. 03-592

A Resolution authorizing the City of Wichita, Kansas to terminate its interests in certain real property at the request of the Chance Industries, Inc., and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp.

SENIOR MANAG. EXPENSES

SENIOR MANAGEMENT EXPENSES FOR OCTOBER.

Motion--carried

Fearey moved that the report be received and filed. Motion carried 6 to 0. Mayans absent.

OLD TOWN CINEMA FINALIZATION OF LAND OWNERSHIP: OLD TOWN CINEMA PROJECT. (DISTRICT VI)

Agenda Report No. 03-1215

On December 19, 2000, the City Council approve a development agreement with Cinema Old Town, L.L.C. for the development of a six-screen cineplex and related developments to be constructed in the Old Town area. Under the terms of the development agreement, the developer was to own all land in Block 3 upon which the privately owned improvements are constructed and the City was to own a

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twenty-five foot pedestrian walkway in the middle of the block. Upon acquisition, the site was replatted with the City land designated Reserve A, and the developer's improvements on Lots 1 and 2.

When the legal descriptions of the land acquired were matched to the replat, it was noted that there was slight discrepancy with a portion of Lot 1 actually being located on property titled to the City and part of Reserve A, actually being on property owned by the developer. In order to bring the land ownership in compliance with the development agreement, it is proposed that this land be transferred by quit-claim deed between the two parties.

Motion--
--carried

Fearey moved that the transfer be approved and the necessary signatures be authorized. Motion carried 6 to 0..Mayans absent.

CONDEM. AWARD

PAYMENT OF CONDEMNATION AWARD-CASE NO. 03-CV 3373-HILLSIDE KELLOGG TO CENTRAL PROJECT. (DISTRICT I)

Agenda Report-03-1216

The City has identified the need to acquire a tract of land located at 137 N. Hillside in connection with improvements to Hillside Avenue from Kellogg to Central. This property is owned by Robert Marks, Michael Marks and Nancy Adams. Earlier this year the City initiated eminent domain proceedings to acquire this property. On October 28, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$75,000.00. The court awarded the three appraisers fees in the amount of \$4,500.00. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before November 28, 2003.

The costs of acquiring these properties will be paid from project funds.

The City has until November 28, 2003, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--
--carried

Fearey moved that the payment to the Clerk of the District Court in the amount of \$79,611.00 for acquisition of property interests condemned in Case No. 03 CV 3373 be authorized. Motion carried 6 to 0. Mayans absent.

GOLF MAINT.

REPLACEMENT OF GOLF MAINTENANCE COMPUTER SYSTEM.

Agenda Report 03-1217

The Wichita municipal Golf system has incurred a loss of an irrigation computer from the Sim Park Golf Course maintenance facility.

The stolen equipment, valued at \$21,080 was insured through the City's Self Insurance Fund. The Golf Fund will be responsible for the \$3,000 deductible, and Self Insurance Fund reserves are available to cover the remainder of the cost.

The Self Insurance Fund includes budget authority to cover insured losses. However, these funds need to be transferred from contractals to capital outlay to fund the replacement computer system. City Council currently approves all budget transfers in excess of \$10,000.

Motion--carried

Fearey moved that the budget transfer be approved. Motion carried 6 to 0. Mayans absent.

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RITCHIE CO.

CONSENT TO SUB-SUBLEASE, RITCHIE COMPANIES. (DISTRICT V)

Agenda Report No. 03-1218

On August 17, 1999, City Council approved the issuance of \$3.8 million of Industrial Revenue Bonds and a 100% 10-year tax abatement on the bond-financed property, for the benefit of Ritchie Companies (the "SubTenant") located at 2872 N. Ridge Road in northwest Wichita. The proceeds of the bonds were used to construct a new national corporate headquarters which consist of 33,000 square feet of new construction attached by a breezeway to 12,000 square feet of pre-existing office space. As a result of the sale of a subsidiary of the Subtenant, the amount of space required by the Subtenant for its operations in the 45,260 s.f. facility has been reduced. The Subtenant desires to sub-sublease 12,292 s.f. of the pre-existing facility to United Bio Energy Partners, L.L.C., ("United") a Kansas Limited Liability company. MTG, L.L.C. (the "Tenant") is requesting City Council to consent to the sub-sublease to United pursuant to the terms of a Sublease Agreement.

The land and buildings financed by the bonds is currently leased by a real estate holding company controlled by the Ritchie family, M.T.G., LLC, and subleased to the Ritchie Companies for use as its corporate headquarters. The sub-sublease and the rights of United shall be subordinate to the provisions of the Lease and Sublease.

There is no financial impact to the City as a result of the requested change.

The City Attorney's Office has reviewed and approved the Resolution and amended documents as to form.

Motion--

Fearey moved that the Resolution consenting to the sub-sublease of a portion of the facility securing the City's Industrial Revenue Bonds, Series VIII 1999, (MTG, L.L.C.) to United Bio Energy Partners, L.L.C. be approved. Motion carried 6 to 0. Mayans absent.

--carried

RESOLUTON NO. 03-593

A Resolution of the governing body of the City of Wichita, Kansas consenting to the sublease of a portion of the facility pledged as security for the City's taxable Industrial Revenue Bonds, Series VIII, 1999 (MTG, L.L.C.), presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp.

NMF AMER., INC.

CONSENT TO TRANSFER AND SALE, NMF AMERICA, INC. (DISTRICT II)

Agenda Report No. 03-1219

On July 18, 2000, City Council approved the issuance of IRBs in the amount of \$5 million and approved a 100% five-plus-five year property tax abatement to NMF America, Inc. The bond proceeds were used to construct a 40,000 square foot manufacturing plant at 9313 39th Street East, near Jabara Airport. In addition, the City, County and State provided funding assistance in the form of forgivable loans in the aggregate amount of \$397,800 to purchase land, extend utilities and other project-related costs. In exchange for these incentives, the Canadian aerospace company agreed to locate its new manufacturing plant in Wichita and to employ at least 100 people within five years.

Along with the entire aviation industry, NMF Canada and its wholly-owned subsidiary NMF America have experienced severe financial pressures since the events of September 11, 2001. NMF Canada has sought and received bankruptcy protection under the Canadian legal system. The Canadian bankruptcy court and NMF Canada have agreed to sell the company's Canadian assets and its ownership in NMF America to a Belgian aerospace company named SONACA (Societe Nationale de Construction Aeospaciale). Because the title to the NMF America property is held by the City of Wichita under the industrial revenue bond financing structure, the parties to the sale of NMF have requested the City consent to the sale.

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NMF America, Inc. previously issued stock to NMF Global, Inc. Along with NMF Canada, NMF America desires to sell all stock to SONACA North America, Inc. Subsequent to the purchase, SONACA North America, Inc. intends to change the name of NMF America to SONACA NMF America Inc. SONACA representatives have told City staff that while other bidders proposed dismantling NMF America, SONACA intends to maintain and grow its operations in Wichita.

SONACA is a leading manufacturer of leading edges of aircraft wings in Europe and is a major supplier of Airbus, Embraer and Dassault Aviation. They employ 1,850 workers at their plants in Belgium and Brazil and had total sales in 2001 of \$259 million Euros (approx. \$300 million). NMF makes formed and treated wing panels for Bombardier, Embraer, Raytheon and other aviation companies. SONACA is partly owned by the national government of Belgium.

The industrial revenue bonds issued by the City in 2000 are in good standing, notwithstanding the existence of a technical default due to the bankruptcy status of the tenant's parent company. SONACA wishes to leave the IRBs in place and to assume the position of tenant company. In addition to the City's consent, consent of the IRB Trustee (Bank of New York) and the letter of credit bank (Commercial Industrial Bank of Canada) is required. No changes to the bond documents are required by the proposed sale of NMF to SONACA.

There is no financial impact to the City as a result of the request.

The City Attorney's Office will review and approve as to form the written consent to transfer and sale prior to its execution.

Motion--
--carried

Fearey moved that the consent to transfer and sale of NMF America to SONACA America be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

CHENEY RESERV.

CHENEY RESERVOIR WATERSHED COST-SHARE AGREEMENT.

Agenda Report No. 03-1220

Cheney Reservoir is a major water source for Wichita, currently providing approximately 60% of the City's annual water supply. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed above the Reservoir. City Council has approved annual agreements with the Cheney Watershed Citizens Management Committee and Reno County Conservation District to help implement improvements in the watershed.

Cheney Reservoir has at least two significant pollution problems: sedimentation that washes into the reservoir from soil erosion and the amount of phosphates in the water. Excess sedimentation can reduce the "life" of the reservoir, and high phosphate levels can lead to an increase in microscopic plant activity in a lake, such as algae, thus increasing taste and odor in the water.

The Reno County Conservation District has acquired funds from the Water Resources Cost-Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance the installation of conservation practices that reduce pollution entering the Reservoir. Under these programs, the producers can implement Best Management Practices that will reduce pollution from their land and apply for reimbursement up to 70% of the cost for improvements.

This MOU will facilitate a means whereby the producer can receive up to 100% reimbursement by having the City of Wichita provide up to a 30% cost-share for the improvements. Producers would not be eligible for any costs that exceed the County Average Cost for those improvements. While funds for this program are authorized for the Reno County Conservation District, administration of the funds will be through the Cheney Watershed Citizens Management Committee. The Committee, composed of landowners and producers in the watershed, administers the Watershed Management Plan and coordinates efforts to promote the installation of Best Management Practices. The MOU helps facilitate the creation of partnerships between the producers in the watershed and the City that will reduce pollution entering Cheney Reservoir. All counties in the watershed, Stafford, Pratt, and Kingman, have

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agreed to participate. Projects completed in these counties will be submitted to the City through the Reno County Conservation District.

Alternatives: There are several alternatives the City could pursue in attempting to reduce or eliminate pollution in Cheney Reservoir:

1) Participate in this program. The WRCS and NPS programs would provide 70% of the funds used to correct pollution problems in the basin, with the remaining 30% coming from the City.

2) Wait until pollution problems are more severe; however, the City would stand the risk of not having other funding sources participate in the cleanup of the drainage basin. Furthermore, customer dissatisfaction with taste and odor, or the cost of treating the above, would have a detrimental impact.

3) Forego efforts to work in the basin and respond to the water quality in the Reservoir. City Council has approved using powered activated carbon and other technologies to help address taste and odor problems, but if conditions in the reservoir deteriorate, the cost of treatments will increase. These treatments, however, do not remove sediment coming into the Reservoir. To remove the sediment after it is in the Reservoir, and thus extend its life, would require the sediment to be dredged from the Reservoir, a costly and environmentally destructive process.

The maximum WRCS cost-share available to a single producer in Reno County in the fiscal year will be limited to a total of \$7,500 and limited to \$7,500 for the NPS Program. Calculation is based on County Average Cost, or actual cost, whichever is less. Reno County has funds available of \$59,946 for fiscal year 2004, while NPS will have \$54,020 available.

The Stafford County maximum WRCS available to a single producer will be limited to \$5,000 and \$5,000 for the NPS Program. The total amount of WRCS funds available in fiscal year 2004 will be \$45,568 and NPS will have 23,174 available.

Pratt County maximum WRCS available to a single producer will be limited to \$3,500 and \$2,200 for the NPS Program. The total WRCS funds available in fiscal year 2004 will be \$43,099 and NPS will have funds available of \$26,991.

Kingman County maximum WRCS available to a single producer is limited to \$3,500 and \$10,000 for the NPS Program. The total amount of WRCS available in fiscal year 2004 will be \$25,299 and NPS will have funds available of \$34,518.

Cost to the City shall not exceed \$52,155 for WRCS projects, and \$41,311 for NPS projects for a total combined total of \$93,466 in fiscal year 2004. CIP W-500 (Watershed Protection Program) has allocated \$200,000 in 2002, 2003, and 2004 for this effort. These programs are part of a total program in the watershed that began in 1995. Additional sources of funding include the EPA, the State Water Plan, the USDA, as well as the City of Wichita. This has diversified the cost of the improvement projects among numerous funding sources.

The adopted 2003 Capital Improvement Program includes \$200,000 per year in CIP W-500 (Cheney Watershed Protection Plan) for the City's cost-share of this agreement.

The Law Department has approved the Memorandum of Understanding as to form.

Motion--
--carried

Fearey moved that the MOU be approved; the Resolution adopted and the expenditures and necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

RESOLUTION NO. 03-621

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$200,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Fearey moved that the

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Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp

EPA WATERSHED

EPA WATERSHED INITIATIVE GRANT APPLICATION.

Agenda Report No. 03-1221

Cheney Reservoir is one of Wichita's major sources of water, and it currently provides approximately 60% of Wichita's annual water supply. Since 1993 the City has been participating in a program to encourage the implementation of projects that will reduce pollution entering the Cheney Reservoir

The U.S. Environmental Protection Agency (EPA) has announced that it will be awarding grants to projects that help state and local communities protect and restore watersheds. The EPA is asking governors to recommend nominations for the program, which is called President Bush's Watershed Initiative. The governor of each state is invited to submit two nominations for consideration to EPA. The program will provide up to \$1.3 million of grant assistance to state and local communities to protect and restore watersheds. In Kansas the applications for the grants must be submitted to the Kansas Water Office by December 1, 2003. The applications will be reviewed by the Governor's Environmental Sub-cabinet, who will recommend to the Governor which projects to nominate to EPA. EPA will select 20 watersheds to be the recipients of the \$21 million grant program. Priority for approval of a grant will be given to projects that are likely to result in environmental improvements in a relatively short time frame and that show broad stakeholder involvement.

The City of Wichita has been asked to join with the Cheney Watershed Citizens Management Committee, operating as Cheney Lake Watershed, Inc. (CLW), in submitting a grant request to EPA. The proposed request would have two major components. One is an initiative to reimburse farmers for the installation and maintenance of buffer strips along waterways in the Cheney Reservoir watershed. The program would also offer incentives to farmers who switch to no-till farming practices in fields adjacent to the new buffer strips. Participation in the program would be voluntary, with a goal of installing 50-foot wide buffer strips along approximately 30 miles of streams (200 acres). The other component of the application would be the construction of a wetland adjacent to the Cowskin Creek Water Reclamation Plant. The CLW will submit the grant application, but the City would commit to providing funds needed for much of the cost-share component of the application, and would help administer the grant. The Memorandum of Understanding (MOU) describes the responsibilities of the CLW, the City of Wichita, and other entities cooperating on the project.

The Grant application reflects a total project cost of \$1,544,723. The grant program requires a minimum 25% cash or in-kind match, and the application indicates a total match of \$570,368, or 37% of the total project cost. Under the terms of the MOU the City would commit to providing up to \$401,270 over a three-year period towards the implementation of the programs identified in the application. Funding for the buffer strips and no-till incentives is available through the CIP in W-500, which has a total \$200,000 allocated in each of the next three years. Funding for the wetlands project is available in S-512, which has \$186,768 available. As part of the grant request the State of Kansas will be committing providing funding or in-kind services valued at \$45,000, the farmers in the watershed will provide in-kind services valued at \$62,500, the Reno County Conservation District will provide funding or in-kind services valued at \$31,000, and the CLW will provide in-kind services valued at \$74,000. As part of the grant the City will receive 5%, or \$48,700 towards the financial administration of the grant.

The Law Department will review the MOU and approve it as to form.

Motion--
--carried

Fearey moved that the MOU be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

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AERIAL PHOTO.

AERIAL PHOTOGRAPHY AND ORTHOPHOTO UPDATE.

Agenda Report No. 03-1222

In December of 1992, the City Council approved an ordinance to fund a Centerline Geographic Information System (GIS) Pilot Project. On August 31, 1993, City Council approved a project to amend the Centerline Project to include the purchase and delivery of a digital orthophoto image database from the pilot project contractor, M.J. Hardin Associates. On May 13, 1997, the City Council approved a contract with Western Air Maps, Inc., for \$150,000 to provide updated aerial photography and digital orthophotos. On April 18, 2000, the City Council approved a contract with Markhurd, for \$150,000 to provide updated aerial photography and digital orthophotos. Then on March 4, 2003, City Council approved a contract with Markhurd to provide updated aerial photography and digital orthophotos

Maintaining up-to-date aerial photography is critical for the Water and Sewer Department for various reasons, including mapping and planning for future growth. Current aerial photography provides several advantages, including studies of growth and areas requiring transportation adjustments. To keep the GIS current, new aerial photography and orthophotos are required every three years.

The adopted CIP budget includes \$150,000 for Aerial Photography and Orthophotos (W-599) for 2003. The cost of the photos was \$159,000, of which the Water & Sewer Department paid \$149,850. This was initially charged to the Water Administration operating budget, which does not have funds budgeted for this purpose. When the CIP expenditure is authorized by the City Council, the expense will be transferred from the operating budget to the capital budget.

The Resolution has been approved as to form by Law.

Motion--
--carried

Fearey moved that the project funding be approved and the Resolution adopted. Motion carried 6 to 0. Mayans absent.

RESOLUTION NO. 03-623

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$150,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp.

GEAR REDUCER

GEAR REDUCER REBUILD REQUISITION.

Agenda Report No. 03-1223

One of the plant process pump gear reducers had an internal oil pump failure causing extensive damage to the gear reducer. The failure had a significant impact on the ability to move large flows through the plant. The unit was sent to the manufacturer to evaluate the damage and get an estimate of the cost to repair it. Upon receiving the information from the manufacturer, options were evaluated.

This report is to inform City Council of the Requisition submitted for the repair of this unit. The determining factors in selecting this option were the cost of the repair, the repair being done by the manufacturer and a warranty that was identical to a new unit. The options weighed in making this decision were: 1) a new gear reducer of the same model, 2) a new replacement of a comparable brand, and 3) a factory rebuild of the damaged gear reducer.

A Purchase Order for \$ 27,978 is requested for the Flender Corporation. Monies are available in the Sewage Treatment operating budget for the repair.

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Purchasing Ordinance No. 35-856(b) allows issuance of purchase orders based on sole sources of the material or services.

Motion--
--carried

Fearey moved that the recommendation to purchase the gear reducer from Flender Corporation be received and filed. Motion carried 6 to 0. Mayans absent.

COWSKIN CREEK

COWSKIN CREEK PUMP STATION-CHANGE #1-DONDLINGER AND SONS CONSTRUCTION CO., INC.

Agenda Report No. 03-1224

On February 12, 2001, Council approved a Contract with Professional Engineering Consultants, P.A., to provide design services for the rehabilitation of Cowskin Creek Pump Station located on Tyler Road, South of Pawnee. On June 25, 2002, Dondlinger & Sons Construction Co., Inc., was awarded a Contract (\$188,000) for the rehabilitation of this facility.

During the construction process, it was discovered that it was necessary to: 1) install a condensate line on the variable frequency drive cooling units, 2) add solenoid valves to the pump seal water lines, and 3) add additional mass to two pump bases to reduce vibration. Staff obtained estimates from an independent mechanical contractor for the condensate line and found it was more expensive than the proposal by the general contractor. The City's engineer reviewed the Change Order and recommends proceeding. Staff agrees with the engineer's recommendation. The items in the Change Order represent added value to the project and must be done for the project to function as intended.

Change Order No. 1 will increase project costs by \$7,602 (about 4%). Cowskin Creek Pump Station Rehabilitation (CIP S-540) currently has unencumbered funds of \$464,000 in the project budget.

The Change Order has been approved as to form by the Law Department.

Motion--
--carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 4, 2003)

a) Industrial Revenue Bonds-The Boeing Company. (District III)

ORDINANCE NO. 45-914

An Ordinance approving and authorizing the execution of a Lease Agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an Indenture of Trust between said City and BNY Trust Company of Missouri; pledging certain payments under said Lease Agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series V, 2003 (The Boeing Company Project) of said City in the principal amount of \$60,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain Industrial and Manufacturing Facilities of Boeing Commercial Airplanes, Wichita Division, a Division of the Boeing company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said Bonds; Authorizing the sale of said Bonds and the execution of a Bond Purchase agreement therefore; Approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Brewer abstained because of conflict of interest. (Mayans absent).

b) Industrial Refunding Revenue Bonds-Mid-Continent Instruments. (District II)

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ORDINANCE NO. 45-924

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Refunding Bonds (Didcot, L.C. Project), Series VII, 2003 in the aggregate principal amount of \$3,295,000 for the purpose of providing funds to refund on a current basis certain Industrial Revenue Bonds, Series IX-A, 1997 and Series IX-B, 1997 of the City and to pay certain costs of issuance; prescribing the form and authorizing execution of a Trust Indenture between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a lease by and between the City and Didcot, L.C.; approving the form of a Sublease Agreement by and between Didcot, L.C. and Mid-Continent Instrument Co., Inc.; approving the form of a Guaranty Agreement among Didcot, L.C. and Mid-Continent Instrument Co., J. Todd Winter and Ellen D. Winter, as Guarantors, and UMB Bank, Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Underwriting Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and Banc of America Securities LLC, as purchaser of the Series VII, 2003 Bonds; prescribing the form and authorizing the execution of a Tax Compliance Agreement among the City, Didcot, L.C., Mid-Continent Instrument Co., Inc., and UMB Bank, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- c) Industrial Revenue Bonds-FlightSafety International. (District V)

ORDINANCE NO. 45-925

An Ordinance authorizing the City of Wichita, Kansas (the "City") to issue its Adjustable Mode Airport Facility Revenue Bonds in the aggregate principal amount of not to exceed \$27,200,000 for the purpose of providing funds to pay the costs of acquiring, purchasing and installing flight training equipment in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Wachovia Bank, National Association, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between the City and FlightSafety International Inc. (the "tenant"); approving the form of a guaranty; approving the form of a remarketing Agreement; authorizing the execution of a purchase agreement by and among the City, the tenant and Wachovia Bank, National Association, as the underwriter for the Bonds; and authorizing the execution of a Tax Compliance Agreement by and among the City, the Tenant and the Trustee.

- d) Restaurant Grading System.

ORDINANCE NO. 45-926

An Ordinance amending Sections an Ordinance amending Sections 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050 of the Code of the City of Wichita, Kansas pertaining to restaurants, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- e) Central Avenue Improvement, Woodlawn to Rock. (District II)

ORDINANCE NO. 45-927

An Ordinance declaring Central Avenue, between Woodlawn and Rock (472-83874) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- f) Central Avenue Improvement, Oliver to Woodlawn. (Districts I and II)

ORDINANCE NO. 45-928

An Ordinance declaring Central Avenue, between Oliver and Woodlawn (472-83873) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- g) Acquisition by eminent domain of tracts required for the First and Second Street Drainage Outfall Project. (Districts IV and VI)

ORDINANCE NO. 45-929

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction of the First and Second Street Drainage Outfall Project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- h) Building Condemnations.

ORDINANCE NO. 45-923

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

- i) ZON 2002-27 – east side of Greenwich Road, south of Pawnee

ORDINANCE NO. 45-930

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent). ZON 2002-27

- j) ZON2003-43 - generally located at the northeast corner of 29th Street North and Penstemon. (District II)

ORDINANCE NO. 45-931

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent). ZON 2003-43

- k) ZON 2002-65 – west side of Hoover, north of 21st Street North. (District V) V

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ORDINANCE NO. 45-932

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent). ZON 2002-65

l) ZON 2002-18 – west of Webb Road, south of First Street. (District II)

ORDINANCE NO. 45-933

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent). ZON 2002-18

PLANNING AGENDA

Motion--carried

Fearey moved that items 51 through 61 be approved as presented. Motion carried 6 to 0. Mayans absent.

DR 03-29

DR 03-29: RESOLUTION DECLARING SUPPORT FOR THE DEVELOPMENT OF A JOINT LAND USE STUDY FOR MCCONNELL AIR FORCE BASE. (DISTRICT II, III)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 03-1225

Last month, an official from the Department of Defense (DOD), Office of Economic Adjustment, met with representatives from Sedgwick County, the City of Derby and the City of Wichita to discuss the need for a Joint Land Use Study (JLUS) for McConnell Air Force Base. This discussion was initiated in response to the change in Base's mission from B1's to KC 135's, and the corresponding revisions to the AICUZ (Air Installation Compatible Use Zone) noise contours that will be released by the DOD in the spring of 2004. It is anticipated that the existing AICUZ contours (that reflect the B1 mission) will shrink by 80 percent.

Municipal representatives all agreed that the continued operation of the McConnell Air Force Base is important to both the Wichita area economy and the economy of Sedgwick County as a whole, and that the future operational and mission capacity of the Base needs to be protected.

The purpose of the JLUS is to create a joint, cooperative military and community planning initiative. The recommendations contained in the JLUS present a rationale and justification to support the adoption and implementation of compatible development measures to prevent urban encroachment, safeguard the future mission opportunities for the Base, and protect public health, safety and welfare. Implementation measures may involve revisions to the community's comprehensive plan, zoning and subdivision regulations. Additional actions may include amending local building codes to require sound attenuation in buildings.

Typical costs for a consultant to undertake a JLUS run between \$60,000 and \$120,000 dollars. The DoD will contribute 75 percent of the cost, with the remaining 25 percent coming from a local match (cash or staff time). Sedgwick County has indicated its support for the JLUS by adopting a similar resolution. The City of Derby also is considering proceeding to prepare a resolution of support for this JLUS application. The MAPD has been suggested as the appropriate body to file the JLUS application with DoD, oversee the program and administer the contract with the consultant.

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It would be appropriate for the City of Wichita to participate in this JLUS initiative. A significant area of southeast Wichita currently falls within the AICUZ noise contours. The City has already shown its commitment to support the long-term viability of the McConnell Air Force Base through the adoption of the McConnell AFB Airport Overlay District, as part of the Unified Zoning Code. The attached resolution declaring the City's support for a JLUS states that the City agrees to participate with the City of Derby, Sedgwick County and McConnell Air Force Base in the preparation of a JLUS; that the City agrees to appoint a representative to the JLUS policy committee; and that the City commits to a good faith effort to implement appropriate recommendations included in the JLUS.

At this time, it is anticipated that there would be no expenditures of funds required on the part of the City to participate in this joint undertaking of the JLUS. Staff time of the MAPD, the City of Derby and Sedgwick County is expected to be sufficient to provide the local match.

There are no legal liabilities to the City associated with the approval of this resolution.

Motion--carried

Brewer moved that the resolution be approved. Motion carried 6 to 0. Mayans absent.

RESOLUTION NO. 03-624

A Resolution of the Governing Body of the City of Wichita, Kansas, consenting to the sublease of a portion of the facility pledged as security for the City's Taxable Industrial Revenue Bonds, Series VIII, 1999 (MTG, L.L.C.), presented. Brewer moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

CON2003-38

CON2003-38-CONDITIONAL USE FOR CAR SALES ON PROPERTY ZONED LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF PIATT AND CENTRAL. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 03-1226

The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.50-acre platted tract located at the northeast corner of Central and Piatt; 2014 E. Central, Lots 76-88, even, Stilies Brothers 2nd Addition. The subject property is zoned "LC" Limited Commercial and is developed with 5 bay door garage/office, used for vehicle repair, and a paved parking area with a chain link fence around the perimeter of the site. The vehicle repair shop, permitted by right, is leaving the site. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district. The applicant has submitted a site plan.

The character of the neighborhood is that of local serving commercial uses along the Central corridor with residential uses located both north and south of the Central commercial corridor. The zoning of the properties to the south and east is "LC" Limited Commercial. The properties to the south across Central are developed with retail businesses, office, a vehicle repair shop and a vehicle body repair shop. The property abutting to the east is developed as office, with retail and office further east across Ash Street. There is a Conditional Use for a car lot, CON03-01, 1 ½ blocks east of the site. This site has never developed as a car lot. Zoning of the properties to the north is "TF-3" Two-Family and "B" Multi-family. These properties to the north across the paved alley are developed with single-family residences. The properties to the west across Piatt are zoned "GC" General Commercial and "B" Multi-family. The Westar Electrical Utility office/contractor yard complex, dominates this area, extending north from Central, past the next block to the railroad tracks and west from Piatt, over a vacated block of Minnesota Avenue to IH-135. The complex wraps around an isolated single-family residence on Central.

The site plan shows a 344 square foot sales office, a 4,032 square foot garage/storage area and 11,857 square feet of vehicle display area. Included in this display area is a proposed outdoor storage yard. The site plan shows 11 employee/customer parking spaces, which appears to meets the Unified Zoning

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Code parking requirement. The site plan proposes landscaped street yard primarily in the Central and Piatt ROW, as well as an undetermined amount within the site along Central, within the interior and on the north side. The site plan proposes a six-foot high semi-solid fencing along the north property line merging with the wall of the garage wall. The semi-solid screening does not meet the Unified Zoning Code screening requirement. The site plan shows no lights, no trash receptacle and no proposed or existing signage.

The site currently has 5 existing entrances/exits (entrances); 2 on Piatt and 3 on Central. The site plan shows the 3 entrances that are closest to the Piatt – Central intersection as being closed, leaving the two farthest entrances from the intersection open. The site plan shows the closed entrances to be seeded with grass within the ROWs. The applicant shares the eastern entrance with the abutting office and proposes improvements to it including an island/median splitting the current uninterrupted 62-foot wide entrance.

At the October 23, 2003 MAPC meeting, one citizen spoke in opposition to the requested Conditional Use. The speaker was concerned with the long-term effects of a car lot on this location, expressing concern over maintenance of the property and the site being used for the dumping of old cars. There has been one written protest to the request, from the citizen who spoke in opposition at the MAPC. The protester is located northeast of the subject site, separated from the site by a paved 15-foot alley. At the November 3, 2003 DAB I meeting, the same citizen who protested the Conditional Use at the October 23 MAPC meeting protested the use to DAB I, stating the same concerns about the use on the subject site. DAB I approved (5-2) the Conditional Use with the conditions recommended by the MAPC.

The MAPC recommended approval (12-1) subject to the following conditions, but deleted the condition; “Dedicate 2-½ feet of ROW to the alley and any needed ROW for Central and Piatt, per the recommendation of the Public Works Engineer.”

1. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
2. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining “GC” General Commercial zoning.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan. The current landscape plan does not take full advantage of landscaping opportunities on the site. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.
5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair or detail must be on an approved all weather surface.
8. No amplification system shall be permitted.
9. No outside storage of salvaged vehicles, vehicles waiting for repair, or parts shall be permitted in association with this use.

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10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.

11. The applicant shall erect and maintain solid six-foot screening along the northern property lines that is adjacent to residential zoning and the existing residential development. The applicant shall be allowed to use the solid north wall of the garage as screening as long as no doors or windows open up onto the residential property across the alley, north of the site.

12. The applicant shall guarantee the closure of the Central and Piatt entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Central and Piatt entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.

13. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. No selling of cars shall be allowed until all permits and improvements to the site have been made.

14. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

There has been a protest received on this Conditional Use request, thus the Wichita City Council (governing body) must consider and take action on this request. The protest represent 4.32% of the net protest area, which does not activate the $\frac{3}{4}$ vote of all the members of the governing body to approve the Conditional Use; a simple majority can approve the Conditional Use.

Councilmember Brewer Councilmember Brewer stated that there were some individuals that filed a petition for a car lot but never actually put the car lot in and during that process it was a case where the residents that live in that area did not know the process of how to go about appealing it and they missed their deadline. Explained that since the DAB he has received numerous phone calls regarding complaints of car lots in the neighborhood. Stated that he would like to give those residents the opportunity to go back to the MAPC and will recommend taking the second recommended action and return this back to the MAPC for reconsideration.

Motion--carried Brewer moved to take this item back to the MAPC for reconsideration. Motion carried 6 to 0. Mayans absent.

ZON2003-00051 **ZON2003-00051-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY SOUTH OF CENTRAL AND EAST OF DORIS. (DISTRICT IV)**

Agenda Report No. 03-1227

The applicant requests a zone change from "SF-5" Single Family to "GO" General Office on a 0.2 acre platted tract located south of Central and east of Doris. The subject property is part of two separate lots and is undeveloped. The applicant intends to develop the subject property with unspecified office type uses.

The surrounding area is characterized by primarily commercial uses along Central, with residential uses located on the interior properties beyond the commercial frontage. The properties to the south and east are zoned "SF-5" Single Family and are developed with single-family residences. The property to the west is zoned "LC" Limited Commercial and is developed with a single family residence. The property to the north across Central is zoned "TF-3" Two Family and is developed with a single family residence.

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The MAPC considered the request on November 18, 2003 and voted (12-0) to recommend that the request be approved subject to completing lot splits within one year. No citizens or neighboring property owners have indicated opposition the request.

Motion--

Fearey moved to concur with the findings of the MAPC ; that the zone change, subject to the condition of completing lot splits within one year be approved; first reading of the ordinance be approved and instruct the City Clerk to withhold publication of the ordinance until the lot splits are recorded with the Register of Deeds. Motion carried 6 to 0. Mayans absent.

--carried

CUP2003-51

CUP2003-51-ASSOCIATED WITH ZON2003-49-AMENDMENT #1 TO DP217-WESLEY WEST C.U.P. AND A ZONE CHANGE FROM LIMITED COMMERCIAL, MULTI-FAMILY RESIDENTIAL AND GENERAL OFFICE TO SINGLE-FAMILY RESIDENTIAL, GNERALLY LOCATED NORTH OF 13TH STREET NORTH AND ONE-QUARTRE MILE EAST OF TYLER. (DISTRICT V)

Agenda Report No. 03-1228

The applicant requests an amendment to DP-217 Wesley West CUP and a zone change for 26.51 acres of the subject property from "B" Multi-Family and "LC" Limited Commercial to "SF-5" Single Family. The subject property is undeveloped and is located north of 13th Street North and one-quarter mile east of Tyler.

The surrounding area is characterized by commercial uses at the corner of 13th Street North and Tyler, Northwest High School, and low-density residential uses. The properties to the north and east are zoned "SF-5" Single Family and are developed with single-family residences. The properties to the west are zoned "GO" General Office, "LC" Limited Commercial, and "MF-29" Multi-Family and are developed with a hospital, a shopping center, and duplexes, respectively. The property to the south is zoned "SF-5" Single Family and is developed with Northwest High School.

The Wesley West CUP currently is 40.67 acres in size and permits medical and related uses. The applicant proposes to remove 26.51 acres from the CUP and develop it with single-family residences with 14.16 acres remaining in the CUP to be developed with medical and related uses. The applicant has submitted the English Country Gardens Addition, which proposes to subdivide the 26.51 acres into 101 single-family lots accessed via adjacent residential neighborhoods along Thurman and Suncrest. The applicant proposes to amend the CUP to eliminate the masonry wall requirement along the east property line and to eliminate the requirement for approval of a site circulation plan. The applicant also proposes to increase building coverage from 17.9% to 30% and the floor area ratio from 17.9% to 35%. Finally, the applicant proposes to increase building height from 35 feet to 45 feet.

To maintain compatibility between medical and related uses and adjacent low-density residential uses, planning staff recommends that the masonry wall continue to be required along the east property line of the property remaining within the CUP. To maintain traffic safety in an already heavily traveled area, planning staff recommends that approval of a site circulation plan continue to be required. Since the square footage for medical and related uses decreases significantly due to the conversion of the majority of the property to single family use, the overall traffic to generated by the site is expected to decrease slightly; therefore, planning staff recommends allowing the proposed increases in building coverage and floor area ratio.

The MAPC considered the request on November 18, 2003 and voted (11-1-1) to recommend that the request be approved subject to replatting the portion of the property to be rezoned within one year and subject to the following conditions:

1. General Provision #8 shall be modified to require a masonry wall along the east property line of Parcel 1.
2. General Provision #14 shall be modified to add, "Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit."

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3. The development of this property shall proceed in accordance with the approved development plan, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

4. Any major changes in the development plan shall be submitted to the Planning Commission for consideration.

5. The applicant shall submit four 24" x 36" folded copies and one 11" x 17" copy of the CUP to the Metropolitan Area Planning Department within 60 days after approval, or the request shall be considered denied and closed.

Several neighboring property owners have indicated opposition the request. The primary reason for neighborhood opposition is that traffic to be generated by the proposed residential development would access local streets within adjoining neighborhoods.

Motion--

Fearey moved to concur with the findings of the MAPC; that the zone change and CUP amendment, subject to the condition of replatting the portion of the property to be rezoned within one year and subject to the recommended conditions be approved and the Planning Department to forward the ordinance establishing the zone change for first reading when the plat is forward to the City Council. Motion carried 6 to 0. Mayans absent.

--carried

CUP2003-50

CUP2003-50-ASSOCIATED WITH ZONE2003-48-AMENDMENT #3 TO DP78-MOORING C.U.P. AND A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL (DISTRICT VI)

Agenda Report No. 03-1229

The applicant is requesting to amend Parcels 11 and 12 of DP-78 The Moorings to allow commercial development in place of residential use, and to rezone the parcels to "LC" Limited Commercial. Parcel 12 is located at the northwest corner of 42nd Street North and Meridian and is 1.85± acres. Parcel 11 is located immediately to the north and is 12.02± acres. It is part of a large community unit plan of 245 gross acres (213 net acres) with 35 net acres proposed for commercial use and the balance of 177 net acres for residential use. To date, a small (0.52 net acre tract) has been developed with a small office, and 14 acres are developed with a church and fire station. Single-family/patio home development occupies the majority of the C.U.P., with two large parcels (35 acres) remaining undeveloped. Parcel 8, which is 1/6 mile to the north and is roughly eight acres, is undeveloped and zoned "LC."

The proposed amendment would allow all "LC" Limited Commercial uses except: cemetery; correctional placement residence; golf course; recycling collection station; car wash; construction sales and service; any industrial use; any agricultural use, any conditional use; taverns and drinking establishments; theaters, and bowling alleys. Recreation and entertainment, indoor, would be permitted only by separate C.U.P. amendment approval. No single use greater than 12,000 square feet in size except for a grocery store or drug store shall be permitted. Restaurants would not have drive-through windows located within 200 feet of residential zoning on the west side of Parcel 11, and order boards would not be audible from the residential property lines. Auto-serving uses (including but not limited to vehicle repair, limited, service stations and car washes) would be prohibited on Parcel 11, but convenience stores with gas islands would be permitted. No overhead doors would be permitted within 150 feet of residential zoning or facing any residential zoning district.

Maximum building coverage is proposed as 30 percent, floor area ratio would be 0.35, and maximum building height would be 35 feet, except for 55 feet for residential structures or combined commercial/residential structures with upper stories for residential use. Perimeter setbacks would be 35 feet. C.U.P requirements have been added for a concrete/masonry wall between the commercial tract and the adjacent residential tracts, architectural compatibility, landscaping, consistent lighting features, limited height and scale of signage, and pedestrian connectivity.

One additional access point on Meridian is requested.

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A fire station has been constructed on the parcel to the west of Parcel 12. The area west of Parcel 11 is vacant but approved for single-family or patio homes. A church, Riverlawn Christian Church, is located to the south of Parcel 12 and a church, Northside Church of Christ, is located to the north of Parcel 11. The property east of Meridian is vacant. The surrounding area includes two single-family developments farther to the north of the application area. These are The Moorings and Harbor Isle. Three corners of the section line intersection with Meridian have eight acres of "LC" Limited Commercial zoning. The southwest corner is developed with Northside Church of Christ. A small office is located on a portion of the northwest corner. The southeast corner is vacant.

At the MAPC meeting held on October 23, 2003, no citizens were present to speak on the case. The agent for the applicant requested modifications from the proposed C.U.P. as shown on the C.U.P. drawing accompanying the staff report. The requested changes were to allow a convenience store with gas islands on Parcel 11 and to limit the restriction on restaurants with drive-through windows to applying only on the west property line of Parcel 11. MAPC voted (11-1) to recommend APPROVAL subject to platting within one-year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00048) to "LC" Limited Commercial;
- B. APPROVE the Community Unit Plan (DP-78) Amendment #3, subject to the following conditions:
 1. Transportation requirements:
 - a. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.
 - c. A guarantee for signalization at the Meridian/Bachman intersection and/or at any drive access from the parcel shall be provided; with signalization being required if warranted by a traffic engineering study.
 - d. Access points shall be in conformance with the Access Management Policy.
 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 4. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-78) includes special conditions for development on this property.
 6. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
 7. Eliminate the restriction on convenience stores with gas islands for Parcel 11.
 8. Revise the restriction on drive-through windows to apply only on the west property line of Parcel 11.

At the District VI Advisory Meeting held November 3, 2003, no neighbors spoke in opposition to the requested changes. The District Advisory Board discussed the case, and questioned the need for the 55-foot building height proposed for mixed commercial/residential development on Parcel 11. The board voted (11-0) to recommend approval subject to the MAPC recommendation.

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Motion--

Fearey moved to concur with the findings of the MAPC; the zone change and C.U.P. amendment subject to platting within one year and the recommended conditions be approved; and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. Mayans absent.

--carried

VAC2003-00052

VAC2003-00052 REQUEST TO VACATE A PORTION OF A PLATTED SETBACK GENERALLY LOCATED EAST OF ROCK ROAD, MIDWAY BETWEEN CENTRAL AVENUE AND 13TH STREET NORTH, MORE SPECIFICALLY EAST OF THE KILLARNEY COURT-ROCK ROAD INTERSECTION, 8120 KILLARNEY COURT. (DISTRICT II)

Agenda Report No.03-1230

The applicant is requesting vacation of a portion of the platted 40-foot front yard setback. . The First Addition to Vickridge was recorded 04-15-1957.

A proposed expansion of the existing garage will encroach approximately 10-feet at its deepest point into the platted 40-foot setback. Nine of the lots in The First Addition to Vickridge subdivision (all of these are on Killarney Court, a cul-de-sac street) have 40-foot front setbacks; the remaining twelve lots have 30-foot setbacks. The subject lot and all lots in The First Addition to Vickridge are zoned "SF-5" Single-family Residential. The UZC's standard for a front yard setback for the "SF-5" zoning district is 25-feet. The applicant has provided a letter from the Vickridge Homeowners Association, approving the requested vacation. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation of 10-feet of the 40-foot setback adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--

Fearey moved that the recommendation of the Metropolitan Area Planning Commission be followed; the Vacation Order be approved; and the necessary signatures be authorized. Motion carried 6 to 0. Mayans absent.

--carried

SUB 2002-131

SUB 2002-131-PLAT OF NORTHRIDGE ADDITION, LOCATED ON THE NORTH SIDE OF 37TH STREET NORTH, WEST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 03-1231

This unplatted site, containing 45 lots (21.1 acres), is located within Wichita's city limits and is zoned "SF-5" - Single-Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for drainage, paving, sewer, and water improvements. A Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant has also submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (2) will be recorded with the Register of Deeds.

Motion--

Fearey moved that the documents and plat be approved; the necessary signatures authorized and the resolutions adopted. Motion carried 6 to 0. Mayans absent.

--carried

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RESOLUTION NO. 03-595

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89897 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-596

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89898 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-597

Resolution of findings of advisability and Resolution authorizing construction of Lateral 15, Main 19, Southwest Interceptor Sewer 468-83736 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-598

Resolution of findings of advisability and Resolution authorizing construction of Storm water Sewer No. 601 – 468-83737 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-599

Resolution of findings of advisability and Resolution authorizing improving 37th Street North from Lakecrest, east to the west line of Ridge Road – 472-83887 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-600

Resolution of findings of advisability and Resolution authorizing improving Lakecrest Circle from the north line of Havenhurst, north to and including the cul-de-sac; on Havenhurst, from the west line of the Plat, east to the west line of Lakecrest; on Lakecrest, from the east line of Havenhurst, south to the north line of 37th Street North on Lakecrest Ct. (Lots 9 through 17, Block A) from the west line of Lakecrest, west to and including the cul-de-sac; on Lakecrest Ct. (Lots 1 through 6, Block A), from the west line of Lakecrest, west to and including the cul-de-sac; on Lakecrest Ct. (Lot 3, Block D, and Lots 1 through 3, Block C), from the south line of Lakecrest, south to and including the cul-de-sac – 472-83888 (north of 37th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

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SUB 2003-20

SUB 2003-20-PLAT OF MARIE MEADOWS, LOCATED ON THE SOUTH SIDE OF 23RD STREET SOUTH AND EAST OF 183RD STREET WEST.

Agenda Report 03-1232

This unplatted site, consisting of 15 lots (78 acres) is located in the County within three (3) miles of Wichita's city limits and is zoned "RR" - Rural Residential District.

County Code Enforcement has approved the site for on-site sewerage facilities. Petitions, all 100%, were been submitted for future sewer and water improvements. A Certificate of Petitions has been submitted. At the request of County Code Enforcement, a Restrictive Covenant has been submitted to guarantee the removal of field entrance on Lots 1 and 14. Also, a Restrictive Covenant was submitted to provide for the ownership and maintenance of the floodway reserves. As per the County Fire Department, a Restrictive Covenant has been submitted to insure adequate fire protection.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants have been recorded with the Register of Deeds.

Motion--
--carried

Fearey moved that the documents and plat be approved; the necessary signatures authorized and the resolutions adopted. Motion carried 6 to 0. (Mayans absent).

RESOLUTION NO. 03-601

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89879 (south of 23rd Street South, east of 183rd Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-602

Resolution of findings of advisability and Resolution authorizing construction of Lateral 40, Cowskin Interceptor Sewer – 468-83704 (south of 23rd Street South, east of 183rd Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

SUB 2003-24

SUB 2003-24-PLAT OF LIBERTY PARK SECOND ADDITION, LOCATED ON THE SOUTH SIDE OF 13TH STREET NORTH, ON THE EAST SIDE OF 135TH STREET WEST.
(DISTRICT V)

Agenda Report No. 03-1233

This site, containing 163 lots (72.35 acres), is a replat of Liberty Park Addition and is located within Wichita's city limits. The site is zoned "SF-5" - Single-Family Residential District. Petitions, all 100%, and a Certificate of Petitions have been submitted for drainage, paving, sewer, and water improvements. A Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant has also submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (2) will be recorded with the Register of Deeds.

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Motion--
--carried

Fearey moved that the documents and plat be approved; the necessary signatures authorized and the resolutions adopted. Motion carried 6 to 0. (Mayans absent).

RESOLUTION NO. 03-603

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89747 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans, absent).

RESOLUTION NO. 03-604

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89895 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-605

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89896 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-606

Resolution of findings of advisability and Resolution authorizing improving of Lateral 1 Lateral 1, Main 5, Northwest Interceptor Sewer – 468-83528 (north and south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

RESOLUTION NO. 03-607

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No 577 – 468-83455 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-608

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 5, Northwest Interceptor sewer – 468-83730 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-609

Resolution of findings of advisability and Resolution authorizing construction of Lateral 8, Main 5 Northwest Interceptor – 468-83731 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

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RESOLUTION NO. 03-610

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Drain No. 468-83732 (south of 13th Street, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-611

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No 220 (south of 13th Street, east of 135th Street West) 468-83733, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-612

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 599 (south of 13th Street, east of 135th Street West) 468-83734, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-613

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 600 (south of 13th Street, east of 135th Street West) – 468-83735, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-614

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of the Plat, south to the north line of Lot 39, Block A. Forestview Ct. (Lots 4 through 16, Block A) from the west line of Forestview west to and including the cul-de-sac, on Forestview Ct. (Lots 17 through 29, Block A) from the west line of Forestview, west to and including the cul-de-sac, and on Forestview Ct (Lots 30 through 39, Block A) from the west line of Forestview, west to and including the cul-de-sac. Sidewalk constructed on one side of Forestview – 472-83653 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-615

Resolution of findings of advisability and Resolution authorizing improving 13th Street North to serve Liberty Park Second and Copper Gate Estates – 472-83880 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-616

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of Lot 39, Block A, south to the north line of Lot 13, Block C, on Alderny from the east line of Forestview, east to the southeasterly line of Lot 30, Block B, and on 10th Street North from the west line of Forestview, west to 135th Street West. Forestview Ct. (Lots 9 through 23, Block A) from the

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east line of Forestview, east to and including the cul-de-sac, on 10th N. Ct (Lots 43 through 49, Block A) from the north line of 10th N. Ct. (Lots 1 through 8, Block C) from the south line of 10th Street North, south to and including the cul-de-sac. Sidewalk on one side of Forestview, Alderny, and 10th St. N. – 472-83881 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-617

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of Lot 13, Block C, south to the west line of Lost Creek, on Lost Creek, from the east line of Forestview, to the south line of Liberty, on Liberty, from the south line of the Plat, north to the southeasterly line of Lot 30, Block B, and on Harvest Lane from the east line of Liberty, east to the east line of the Plat. Forestview Ct. (Lots 13 through 21 Block C) from the west line of Forestview, west to and including the cul-de-sac, on Lost Creek Cir. From the west line of Forestview, west to and including the cul-de-sac, and on Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac. Sidewalk be constructed on one side of Forestview, Lost Creek, Liberty and Harvest Lane – 472-83883 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-618

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on 13th Street North to serve Liberty Park Second, 472-83883 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

RESOLUTION NO. 03-619

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on 135th Street West from Ponderosa as platted in Copper gate Estates to 10th Street North, as platted in Liberty Park South Second – 472-83884 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent).

SUB 2003-71

SUB 2003-71-REPLAT OF KINKAID PARK ADDITION, LOCATED ON THE SOUTH SIDE OF PAWNEE, ON THE EAST SIDE OF BROADWAY. (DISTRICT IV)

Agenda Report No. 03-1234

This site, consisting of 6 lots (27.10 acres), is a replat of a portion of Kinkaid Park Addition, and is zoned "GC" - General Commercial District. This site has been approved for a Community Unit Plan (CUP) Amendment (CUP 2003-19; DP-43, Amendment No. 3) to the Kinkaid Park Commercial CUP.

A guarantee for sanitary sewer, paving and water improvements has been provided. In accordance with the CUP amendment, a Cross-Lot Circulation Agreement has been provided to assure internal vehicular movement between the lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Cross-Lot Circulation Agreement will be recorded with the Register of Deeds.

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Motion--
--carried

Fearey moved that the Document and Plat be approved and the necessary signatures authorized.
Motion carried 6 to 0. Mayans absent.

DEDICATIONS

DED 2003-22, DED 2003-23, DED 2003-24 AND DED 2003-25-DEDICATION OF UTILITY EASEMENTS FOR PROPERTY LOCATED ON THE WEST SIDE OF MAIZE ROAD, SOUTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 03-1235

As a requirement of a lot split (Case No. SUB 2003-119), these Dedications are being submitted for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Fearey moved that the Dedications be accepted. Motion carried 6 to 0. Mayans absent.

DR2003-30

DR2003-30-TERMINATION OF RESTRICTIVE COVENANT ACCEPTED BY WICHITA CITY COUNCIL JUNE 10, 1997, ASSOCIATED WITH SCZ-0700 ZONE CHANGE FROM SUBURBAN RESIDENTIAL AND LIMITED COMMERCIAL AND LIGHT INDUSTRIAL, GENERALLY LOCATED ON THE WEST SIDE OF GREENWICH ROAD BETWEEN 21ST STREET NORTH AND K-96. (DISTRICT II)

Agenda Report No. 03-1236

A Restrictive Covenant was approved and accepted by the Wichita City Council on June 10, 1997, and recorded by Sedgwick County Recorder of Deeds, Film 706, Page 0438 (recorded July 9, 1997). This agreement stipulated requirements approved in conjunction with SCZ-0700, Sedgwick County zoned change from "R-1" Suburban Residential to "LC" Limited Commercial and "E-1" Light Industrial for the development of a tract of land 71.23 net acres in size located on the northwest corner of 21st Street North and Greenwich Road. The Restrictive Covenant included provisions for the types of uses permitted, landscaping, setbacks, height regulations, signs, architectural control, and cross-lot circulation. The restrictions inured to the benefit of the City of Wichita for a period of 25 years from execution.

In 1998, the developer requested approval of a community unit plan ("C.U.P.") overlay district per the Unified Zoning Code in lieu of the Restrictive Covenant. DP-234 Regency Lakes Commercial C.U.P. was recommended by the Metropolitan Area Planning Commission (12-0) on September 26, 1998 and approved by the Wichita City Council on October 27, 1998. The C.U.P. eliminated the prohibition on blacksmith shops and welding. Landscaping was changed to be per the Landscape Ordinance, building height was increased to 80 feet for the western property line, and signage requirements were altered to allow two signs 35 feet in height. The discussion in the staff report and at the MAPC meeting reflected an understanding that changes were being made that would replace the provisions in effect by the Restrictive Covenant. However, no action was taken to affect the removal of the covenant.

Recently, the C.U.P. was further altered by Amendment #1, approved by MAPC (10-0-1) on October 9, 2003. This amendment allowed greater sign heights for freestanding signage and wall signage and altered architectural control, reduced building setbacks to C.U.P. standards (35 feet), reduced building height to 48 feet for the western property line, required a 75-foot buffer, and required participation in a traffic study. District II Advisory Board also reviewed this C.U.P. amendment on October 6, 2003. No protests or appeals to the proposed amendment were received, so the action of MAPC constituted a final action.

The developer has requested the Wichita City Council approve termination of the Restrictive Covenant based on the fact that the C.U.P. has been more recently reviewed and approved governing the

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development requirements, which would constitute a superceding of the Restrictive Covenant provisions.

Motion--carried

Fearey moved that the termination of the Restrictive Covenant be approved. Motion carried 6 to 0. Mayans absent.

A03-24

**A03-24-REQUEST TO ANNEX LAND LOCATED NEAR THE NORTHEAST
INTERSECTION OF PAWNEE AND WEBB ROAD. (DISTRICT II)**

Agenda Report No. 03-1237

The City has received a request to annex 13.04 acres of land situated near the northeast corner of the intersection of the Pawnee and Webb Road. The annexation area abuts the City of Wichita to the east, north, and west of the property. The property owner seeks to develop the property as 16 residential duplex lots and 10,000 square feet of office/commercial units. The applicant has not initiated the process for a replatting of the property. It is anticipated that the site will be fully developed for residential use during the second year of development and fully developed for office/commercial by the fourth year of development. The applicant plans to request General Office "GO" and Two Family "TF-3" zoning for the proposed annexation.

Land Use and Zoning: The annexation area is currently in agricultural use and zoned "SF-20" Single Family Residential. Of the two properties adjoining the proposed annexation area to the west; one is in agricultural use and zoned "SF-5" Single Family Residential, the other is a maintenance yard for Sedgwick County and zoned "SF-20" Single Family Residential. The property across Pawnee Road to the south of the proposed annexation is zoned "SF-20" Single Family and currently in agricultural use. Lands directly to the east of the proposed annexation area are currently in residential use and zoned "SF-5" Single Family Residential. The property to the north is zoned "GC" Single-Family and is in use as a place of worship. Lands directly to the north east of the proposed annexation area are zoned Single Family Residential "SF-5" and currently in residential use.

Public Services: Both public water and sewer service are currently available to the property. The property has access to public water service by way of a 16" waterline running along the south side of the property in the Pawnee Road right of way. Public sewer service is available by way of an 8" sewer line running along the north three-quarters of the east side of the property.

Street System: The subject property has frontage along Pawnee Road, a two lane paved arterial. According to the 2004/2013 City of Wichita Capital Improvements Program, Pawnee Road will be expanded to a four/five lane paved road in 2010.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within an eight (8) to nine (9) minute approximate response time from City Fire Station #15 located at 7123 E Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Towne Park, a 4.34 acre park, is located approximately two miles to the southwest of the proposed annexation. A greenway is proposed to run directly south of the parcel along Pawnee Road and a north-south pathway is proposed along Webb Road (1996 Parks and Open Space Plan).

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$850 with a total assessed value of \$255. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$8 in City annual tax revenues for the property. The future assessed value of this property will

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depend on the type and timing of any redevelopment and the current mill levy. However when development is completed, the property owner projects an overall appraised value of \$2,544,000 for residential use and \$1,975,000 for commercial use, resulting in a combined assessed valuation of \$786,310. Assuming the current City levy remains about the same, this would roughly yield \$17,495 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Fearey moved that the annexation request and first reading of the Ordinance be approved. Motion carried 6 to 0. Mayans absent.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 03-24

HOUSING AGENDA

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

Motion--carried

Fearey moved to approve the items 52 through 71 as presented. Motion carried 7 to 0. Mayans absent.

SECTION 8

SECTION 8 MONTHLY STATISTICAL REPORT.

Agenda Report No. 03-1238

The Section 8 Housing Assistance program provides rent and utility assistance through vouchers and certificates. The Section 8 Housing Choice Voucher Program provides subsidy vouchers to tenants based upon a rent set by the landlord and tenant, with an upper rent limit set by Housing and Urban Development (HUD). Portable voucher options are provided to families that have received a Housing Choice Program Voucher and have elected to utilize their rental assistance in another state or a city within Kansas.

The Shelter Plus Care Program provides rental assistance to the hard-to-house homeless families who are chronic substance abusers, mentally ill or have AIDS or AIDS related illnesses. This program consists of 102 coupons to assist eligible families that are eligible for all bedroom sizes.

The Moderate Rehabilitation program was established to upgrade substandard rental housing and provide rental assistance for lower-income families. This program consists of fifty-eight (58) units owned and operated by Helping Our People Economically (HOPE), Inc. that are eligible for studios, one, and two bedrooms units.

Section 8 works with approximately 700 landlords and is approved by HUD to administer 2,453 voucher allocations for tenants.

Housing units must be inspected prior to tenant occupancy, 120 days after occupancy and annually thereafter to ensure the landlord is maintaining the housing unit in compliance with housing standards. Section 8 is also required to perform exit inspections to ensure no damage occurred above the customary living usage.

Following is a breakdown of assistance provided through the Section 8 Program for October 2003.

Program Number	Allocated	Number	Committed	Over (Under)	Committed	Annual Lease-Up
						Annual Rate
Housing Choice Voucher	2366	2453	87	2422	102.4%	
Shelter Plus Care	102	108	6			

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Moderate Rehabilitation	58	31	(27)
Portable Vouchers	53	53	0

TOTAL 2579 2645 66

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, Housing Services is able to assist additional units and remain within budget.

Motion--carried

Fearey moved that the report be received and filed. Motion carried 7 to 0. Mayans absent.

PUBLIC HOUSING CAP. IMPROV.

REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 03-1239

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at an affordable rate based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City, and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson. WHA receives additional funding from Housing and Urban Development (HUD) to improve the physical condition of the public housing properties through renovation and rehabilitation.

The City of Wichita Housing Authority (WHA) administers a Capital Fund Program for all necessary capital improvements and corrections of deficiencies in the public housing rental inventory. The inventory includes 226 elderly-disabled apartments and 349 single-family dwellings. The Program is also used to upgrade the management facilities of the WHA to assure the ability of staff to serve the housing needs of low-to-moderate income families. The report covers the current status of all Capital Fund improvement projects.

The 2002 Capital Fund grant is in the amount of \$1,159,577. To date, HUD has not made the final formula allocations for the 2003 Capital Fund Grant; however, an initial increment has been computed in the amount of \$901,220. HUD has advised staff that the WHA will ultimately receive an amount within 6% of the 2002 allocation. Attached is the summary of the capital improvement projects scheduled for the 2002 through 2006 Capital Fund grant years. The 2003 through 2006 budgeted amounts are estimated on the basis of the 2002 grant amount.

Motion--
--carried

Fearey moved that the Housing Authority Board report be received and filed. Motion carried 7 to 0. Mayans absent.

PUBLIC HOUSING OCCUPANCY

REPORT OF PUBLIC HOUSING OCCUPANCY.

Agenda Report No. 03-1240

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at affordable rates based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson.

Staff regularly provides an informational report regarding occupancy status of its rental units to the Housing Authority Board. This update provides the current vacancy status of the 575 Public Housing rental units including 226 elderly – disabled apartments and 349 single-family dwellings. It includes vacant units in the process of being made ready by maintenance for lease, those in the Capital Fund Program for major rehabilitation and units that have been made ready for lease.

As of November 10, 2003, 20 units are in make ready status, 0 units are in the Capital Fund Program and 18 units are ready to be leased. The total of 38 vacancies represents an occupancy rate of 93.4%.

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Property Managers leased 6 units during the month of October. It is projected that approximately 100 units will be vacated and reoccupied in 2003.

Motion--
--carried

Fearey moved that the Housing Authority Board report be received and filed. Motion carried 7 to 0. Mayans absent.

ACOP

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP).

Agenda Report No. 03-1241

Public housing authorities are required by existing HUD regulations to adopt and maintain admissions, occupancy, and waiting list policies. The last time that the Wichita Housing Authority (WHA) revised its Admissions & Continued Occupancy Policy (ACOP) was on April 16, 2002. The Quality Housing and Work Responsibility Act of 1998 (QHWRA) provides that public housing authorities shall submit for HUD approval their policies governing eligibility, selection and admission, assignment and occupancy policies.

As the result of recent HUD Notices, a new HUD Public Housing Occupancy Guidebook, and HUD Rim Review recommendations, staff has proposed a revised ACOP, which is attached with underlined additions. Changes to the ACOP include new exceptions to occupancy standards, additional details regarding the determination of rent and minimum rent, disallowance of earned income, client interview procedures and family rent option. The revision also includes the merger of previously existing transfer policies, accounts receivable write off policy, and a policy regarding repayment agreements.

The additions are to bring the ACOP into compliance with the Quality Housing and Work Responsibility Act of 1998 and amendments to the United States Housing Act of 1937.

Motion--
--carried

Fearey moved that the Housing Authority Board implementation of the revised Admissions and Continued Occupancy Policy for the administration of the Public Housing Program be approved. Motion carried 7 to 0. Mayans absent.

PROCUREMENT POL. PROCUREMENT POLICY.

Agenda Report No. 03-1242

Housing authorities receive their operating subsidies, modernization and development money from the Department of Housing and Urban Development (HUD) in the form of grants. In exchange for the money, housing authorities enter into the Annual Contributions Contract (ACC), which commits housing authorities to conduct business in compliance with specific rules and regulations and sound business practices. In 1988, at the direction of the Office of Management and Budget, HUD issued a regulation known as the "common rule" for grantees. Included in this rule are specific requirements for the way that a housing authority procures goods and services. Housing authorities must follow the requirements, which are found in the Code of Federal Regulations (CFR) at Title 24 CFR 85.36. The housing authority's board of directors must establish a procurement policy, which is consistent with 24 CFR 85.36.

It has been the policy of Public Housing to use a blended system for the procurement of goods and services. Generally, Public Housing staff assesses the needs and prepares specifications for the procurement of goods and services. Staff then directs the City of Wichita Purchasing Division to solicit bids for supplies, services and construction project contracts pursuant to the City of Wichita's Purchasing Policies and Procedures. After Purchasing has awarded the contract or agreement to the successful bidder, Public Housing staff administers the contract or supervises the service vendor's activities. The City of Wichita's purchasing policies are stricter than Federal requirements; thus, it is required that the City Policy is adhered to by Public Housing.

The Procurement Policy is one of the most important documents developed by any housing authority as it directly controls how funds are spent. Attached is a copy of the proposed Procurement Policy. The

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Housing Advisory Board approved the Policy on April 21, 2001. Staff has recently added additional language relative to Section 3 regulations and federal debarment. These changes are underscored in the proposed policy.

The approval of the Procurement Policy will bring the Housing Authority Board into compliance with HUD regulations.

Motion--
--carried

Fearey moved that the Procurement Policy for the administration of Public Housing expenditures be adopted. Motion carried 7 to 0. Mayans absent.

CHOICE VOUCHERS PAYMENT STANDARDS-SECTION 8 HOUSING CHOICE VOUCHERS.

Agenda Report No. 03-1243

Approve the revised Payment Standards for the Section 8 Voucher Program.

The Department of Housing and Urban Development published a notice of Fair Market Rents (FMRs) to be effective October 1, 2003. These FMRs are calculated to be at the 50th percentile of rents in the Wichita area, and include an allowance for utilities.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 requires that Housing Authorities operating Section 8 Housing Choice Voucher Programs must establish Section 8 Voucher Payment Standards between 90% and 110% of the Published Fair Market Rent for each bedroom size. The payment standards are in turn used to calculate the amount of the monthly subsidy.

The QHWRA also includes a provision that a family, which initially receives Section 8 tenant-base assistance, may not be required to pay more than 40% of its adjusted monthly income for rent and utilities. Within the Wichita area, as with many other parts of the country, rent amounts have increased more rapidly than the rate of inflation. Therefore, many rental units are unavailable to new Section 8 tenants if voucher amounts are calculated at 100% of the FMR. In addition, the lower payment standard has the effect of restricting Section 8 tenants geographically, to lower income areas.

The Wichita Housing Authority Board for 0-4 bedrooms approved previous payment standards at 110% and 5-6 bedrooms at 100% of FMR. Based on request for tenancies and rents demanded, establishment of the same payment standards for 2003 is the same.

Following, is a table of the FMRs effective October 1, the current payment standards and the recommended increased payment standards:

BEDROOM SIZE

0	1	2	3	4	5	6			
FMR (10/1/2003)			373	448	599	811	876	1007	1138
Current Pmt. Standard				398	478	640	820	893	978
1106									
Recommended PS				410	492	658	892	963	1007
1138									

Upon approval by the Housing Authority Board, the revised payment standards will become effective, and will apply to new tenants as well as to each current tenant as annual re-certifications are completed.

Payment standards include the rent paid to owners, plus tenant paid utilities.

The impact of increasing the payment standards is to increase the amount of assistance per tenant, which results in fewer households served. The Housing Authority must operate within the budget set by

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HUD. It is incumbent on the Housing Authority to balance the availability of housing units for those who have vouchers with the total number of vouchers that can be issued. Approval of payment standards that are lower than market conditions reduces likelihood that voucher holder can identify unit to lease.

Motion--
--carried

Fearey moved that the Housing Authority Board revised Payment Standards for the Section 8 Voucher Program, be approved. Motion carried 7 to 0. Mayans absent.

UTILITY ALLOW

2003 UTILITY ALLOWANCES; SECTION 8 PROGRAMS.

Agenda Report No. 03-1244

Housing Authorities are required by the Department of Housing and Urban Development (HUD) to annually review and make appropriate adjustments to the utility allowances provided for tenant furnished utilities. The allowances are subtracted from the tenant's Adjusted Gross Rent to provide the net amount payable to landlords as rent. The allowances are based on actual rates and average consumption estimates. The allowances are not direct compensation to the tenant for their utility consumption, rather an approximation based on consumption by an energy conserving household. The allowances are adjusted for structure type based on the number of bedrooms. The Quality Housing and Work Responsibilities Act of 1998 requires annual review of utility allowances and if there has been a change (increase/decrease) of 10% or more in a utility rate, the allowance must be revised. The Wichita Housing Authority (WHA) Board must review and approve the utility allowances prior to implementation by the Housing Services Department.

Staff conducted a review of rates based on information available from utility suppliers. Staff worked with suppliers to determine the appropriate consumption for an energy-conserving household, and homes/apartments, of different structure types. HUD requires separate consumption calculations for air conditioning, trash, ranges, and refrigerators. The WHA's current policy requires the landlord to provide the stove and refrigerator before the dwelling unit can pass the initial inspection. However, WHA is required to provide allowances for these items in the Utility Schedule. The rate changes over the past two years do not meet the thresholds necessitating a change in the schedule. Thus, Housing Services staff recommends no change in the utility allowance schedule. Therefore, 2003 allowances are equivalent to the 2002 allowances.

The following chart is a comparison of a typical three (3) bedroom single family dwelling unit that utilizes a combination of utilities, appliances and services as follows: a.) heating (gas); b.) air conditioning (electric); c.) cooking (electric); d.) other electrical lighting and refrigerator (electric); e.) water heating (gas); f.) water; g.) sewer; h.) trash collection; i.) range (electric) and j.) refrigerator (electric).

2003 UTILITY	PROPOSED ALLOWANCE
A. Heating (gas)	\$43.00
B. Air Conditioning (electric)	\$16.00
C. Cooking (electric)	\$ 9.00
D. Other Electric Lights	\$35.00
E. Water Heating (gas)	\$17.00
F. Water	\$16.00
G. Sewer	\$18.00
H. Trash Collection	\$16.00
I. Range (rental)	\$35.00
J. Refrigerator (rental)	\$36.00
TOTAL ALLOWANCES	\$241.00

This HUD required action. Approving the utility allowances for 2003 will not affect the Housing Services Department's financial position.

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Motion--
--carried

Fearey moved that the Housing Authority Board utility allowances for the 2003 fiscal year for the Section 8 Rental Assistance Programs be approved. Motion carried 7 to 0. Mayans absent.

SECTION 8

SECTION 8 ADMINISTRATIVE PLAN REVISIONS.

Agenda Report No. 03-1245

The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before changes can be implemented. The revisions to the existing plan are requested in order to modify local procedures. Attached is the Section 8 Administrative Plan with a guide denoting changes and revised pages.

Changes to the Section 8 Administrative Plan include changes with respect to felony activity as a criterion for eligibility determination (3 years to 5 years) and decisions regarding termination of assistance, live-in aides for households with members who are disabled, and minimum rent. Further, enforcement procedures have been modified in order to discourage fraudulent activity on the part of Section 8 tenants, with respect to the non-disclosure of household income.

Amendments are required or permitted in accordance to Rules and Regulations for Administration of Section 8 Voucher Program

Motion--
--carried

Fearey moved that the Housing Authority Board amendments to the Administrative Plan for the Section 8 Voucher Program be approved. Motion carried 7 to 0. Mayans absent.

2004 HUD BUDGET

2004 HUD BUDGET AND OPERATING FUND FORMULA, OFF.

The Wichita Housing Authority (WHA) and the Department of HUD have a mutual responsibility for the financial stability of the low-income housing program. The annual budgetary process is the principal focal point of cooperative effort to plan the exchange of information and reconciliation of judgment. The purpose of the budget, as a financial summary and analysis of immediate and long-range operating programs and plans is to provide the WHA with an effective instrument to control operations and achieve operating objectives in a balanced and businesslike manner.

Pursuant to Section 9(a) of the U.S. Housing Act of 1937 and updates, the Department of HUD implemented the Operating Fund Formula (OFF) for determining the amount of operating subsidy to be paid to most Public Housing Authorities (PHA). The OFF serves two primary purposes. First, it is used to determine each PHA's share of the total operating subsidy funds appropriated by Congress each fiscal year. Second, it provides a reliable means of estimating the annual aggregate operating subsidy eligibility of PHAs, which serves as the basis for requesting annual appropriations from Congress.

The budget submittal was due October 22, but the timing of the submission deadline did not coincide with the City Council meeting calendar for the month of October.

Attached are the 2004 HUD Operating Budget and Operating Fund Calculation of Operating Subsidy. The total budgeted routine expense (line 550) of the Operating Budget is \$2,920,812. This represents a 4.97% increase over the 2003 budgeted amount. This is primarily a result of increased health costs; increases in building and casualty insurance premiums; absorbing the salary and benefits for the Director of Housing; and increased Payroll costs.

The OFF operating subsidy approvable for 2004 (Part F, 09) is \$1,561,772. This represents a 3.87% increase over the 2003 approved subsidy. Revenues for 2004 includes operating subsidy, rent receipts, and other operating receipts. Any deficits incurred will be offset by Public Housing budgeted operating reserves, and would have no effect on the City's non-federal budgets.

The budget is completely funded by HUD grants and program revenues. There is no impact on the City's non-federal budget.

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The Wichita Housing Authority Board's approval of a resolution approving the Operating Budget and Subsidy Request is required for grant submittal. The resolution document has been approved as to form by the City Law Department.

Motion--

Fearey moved that the Wichita Housing Authority Board Resolution approving submission of the 2004 HUD Operating Budget and Operating Fund Calculation of Operating Subsidy be adopted; retroactively authorize the Acting Housing Director's signature on the submittal, and Mayor's signature for the Resolution be authorized. Motion carried 7 to 0. Mayans absent.

--carried

2004 UTILITY ALLOWANCE 2004 UTILITY ALLOWANCES-PUBLIC HOUSING PROGRAM.

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Staff conducted a review of rates based on information available from utility suppliers. Staff worked with suppliers to determine the appropriate consumption for an energy-conserving household, and homes/apartments, of different structure types. HUD requires separate consumption calculations for air conditioning, trash, ranges, and refrigerators. The WHA's current policy requires the landlord to provide the stove and refrigerator before the dwelling unit can pass the initial inspection. However, WHA is required to provide allowances for these items in the Utility Schedule. The rate changes over the past two years do not meet the thresholds necessitating a change in the schedule. Thus, Housing Services staff recommends no change in the utility allowance schedule. Therefore, 2003 allowances are equivalent to the 2002 allowances.

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PROPOSED 2003 UTILITY

ALLOWANCE

A. Heating (gas)	\$ 43.00
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J. Refrigerator (rental)	\$ 36.00

TOTAL ALLOWANCES

\$241.00

This is a HUD required action. Approving the utility allowances for 2003 will not affect the Housing Services Department's financial position.

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- Motion--
--carried
- Fearey moved that the utility allowances for the 2003 fiscal year for the Section 8 Rental Assistance Programs be approved. Motion carried 7 to 0. Mayans absent.
- Executive Session
- Fearey moved that the City Council recess into Executive Session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, potential litigation, legal advice, matters relating to employer-employee negotiations, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 3:30 p.m. and reconvene in the City Council Chambers.
- Reconvened
- The Councilmembers reconvened in the Council Chambers at 3:30 p.m. Vice-Mayor Fearey announced that there was no action necessary.
- Motion--
--carried
- Fearey moved to defer the workshop until Wednesday, November 19, 2003 at 11:30 a.m. to 1:30 p.m. to discuss the process and the requirements for proposal and timeline regarding the city managers position. Motion carried 6 to 0. Mayans absent.
- Motion--
--carried
- Fearey moved to schedule a workshop on Friday, November 21, 2003 at 2:00 p.m. until 4:00 p.m. to discuss the CIP. Motion carried 6 to 0. Mayans absent.
- Adjournment
- The City Council meeting adjourned at 3:33 p.m.

Karen Schofield
City Clerk